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C. E. WHITE, Mayor,
Elected in 1905.



..The..

Revised Ordinances

—OF THE—

City of Carbondale, Illinois

1905

Published by Authority of the City Council

Revised, Compiled and Annotated by Thomas B. F. Smith,
Attorney at Law and City Attorney

Carbondale, Illinois:
Herald Print,
1905

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ERRATA.

In the first line of section 59, Chapter III, the words, "skating rink" should be omitted.

To section 72, Chapter V, should be added the following: To the boundaries of the city as outlined in section 72 should be added Outlot No. 162.

In the second and third lines of section 135, Chapter VIII, the numbers "17, 18 and 19" should read 30, 31 and 32 respectively.

Section 158, Chapter X, should read as follows: The municipal year of the City of Carbondale should commence on the first Tuesday of May of each year and should be construed to include the period elapsing between the regular annual installations of officers.

In the fifth line of section 160, Chapter XI, the figures \$3.00 should read ten dollars (\$10.00).

To section 189, Chapter XIII, should be added the following: And he shall also receive the following fees: For issuing saloon license, one dollar; for drug-gist permit, one dollar; for all other licenses, fifty cents; for burial permit, fifty cents; for cemetery deed, fifty cents; for taking and filing bond, fifty cents; for all official certificates, fifty cents; for administering oaths, fifty cents.

In the eighth line of section 226, the words "one thousand" should read five hundred.

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1869

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PREFACE.

The reviser and compiler of this work believes that a careful examination of the same will convince anyone that the plan of revision and compilation is simple and convenient. Neither time nor labor has been spared in making it so.

All the revised ordinances are arranged and grouped into one ordinance, with proper ordaining clause, as the statute requires. The whole is divided into chapters, alphabetically arranged, with appropriate titles, headnotes, parts and sections. This revision and compilation contains thirty (30) chapters, and each of them contains new provisions which the reviser and compiler believes to be a decided improvement over all former revisions and compilations. Such a work has long been needed in our city, for the laws and ordinances have reached a very chaotic condition which made it impossible, in many instances, to know just what the law was. Our city has grown very rapidly in the past few years, and when this is the case the new conditions must be met by corresponding changes in the laws and ordinances. Many changes will be found in this book, particularly in the Penal Code and Practice, which will, I think, prove to be very complete and comprehensive. The whole has been prepared in



T. B. F. SMITH, City Attorney.
Elected in 1905.

thorough conformity with the Revised Statutes of the State of Illinois, so that nothing may be feared in that regard. Throughout, the reader will find references to the Illinois Statutes, Illinois Supreme and Appellate Court Reports, and to other authorities of known standing. These will assist the reader in the proper study of the ordinances.

Following the revised ordinances, are printed all special acts and ordinances which were not subject to revision. They are designated "Special Ordinances of the City of Carbondale."

The reviser hopes that this little work will be read and studied by our citizens; that its provisions will be followed and respected and enforced, not only by all officers, but by all our people. Let our sentiment be, "It is the law, and the law must be obeyed." In this way, even our worst citizens will learn to respect the law and our officers can more effectively enforce the law.

THOMAS B. F. SMITH,

Reviser and Compiler.

CARBONDALE, ILLINOIS, October, 1905.

LIST OF OFFICERS OF CITY.

The first name in each list, up to and including the list for the year 1868, were presiding officers of the boards of trustees.

1856.

James M. Morgan, James M. Campbell, Gabriel Sanders, Asgil Conner, Alfred Singleton.

1857.

James M. Morgan, James M. Campbell, R. R. Blackman, Asgil Conner, Samuel C. Atkins.

1858.

Robert H. Marron, James M. Campbell, Claiborn Barrow, Asgil Conner, Henry Sanders.

1859.

Robert H. Marron, James M. Campbell, Claiborn Barrow, Asgil Conner, Henry Sanders.

1860.

Robert H. Marron, James M. Campbell, Claiborn Barrow, Asgil Conner, Henry Sanders.

1861.

James M. Campbell, James M. Reynolds, Levi B. Clements, Asgil Conner, Henry Sanders.

1862.

James M. Campbell, Isaac M. Kelly, Claiborn Barrow, Levi B. Clements, Asgil Conner, Henry Sanders.

1863.

Isaac M. Kelly, James M. Campbell, Claiborn Barrow, Levi B. Clements, Silas G. Hindman.

1864.

Silas G. Hindman, Richard Dudding, William Scurlock, Levi B. Clements, James M. Richart.

1865.

Asgil Conner, John W. Lawrence, William Hooker, Willis A. Spiller, Joseph Ennisson.

1866.

William Hadley, Joseph M. Hamilton, Samuel C. Atkins, Isaac Rapp, William D. Harris.

1867.

William Sykes, Stephen Blair, William H. Hord, George W. Feltes, Joseph Ennisson.

1868.

Stephen Blair, S. G. Hindman, Willis A. Spiller, William Sykes, George W. Feltes.

1869.

James B. Richart, mayor; Peter A. Smith, Samuel A. Flagler, S. A. Walker, Stephen Blair.

1870.

James B. Richart, mayor; James M. Scurlock, S. A. Flagler, James D. Gage.

1871.

Samuel A. Flagler, mayor (resigned, and James H. Crandall elected mayor in his stead); James H. Crandall, Daniel J. White, Samuel C. Atkins, James D. Gage.

1872.

James H. Crandall, mayor; Andrew C. Bryden, James W. Darling, H. F. Goe, James M. Richart.

1873.

A. J. Backus, mayor (died, and William A. Lemma elected in his stead); Samuel Michaelis, Eli D. Cannon, Thomas C. Atkins, Charles Burton.

1874.

William A. Lemma, mayor; William H. Woodward, clerk; David N. Hamilton, attorney; E. S. Robertson, treasurer; E. M. Norbury, marshal; James M. Prickett, police magistrate; aldermen—First ward, James Hill, William Mellor; Second ward, John W. Spiller, Eli D. Cannon; Third ward, James M. Bolling, James Moore.

1875.

William A. Lemma, mayor; W. H. Woodward, clerk; A. D. Norman, attorney; E. S. Robertson, treasurer; William H. Baird, marshal; James M. Prickett, police magistrate; aldermen—First ward, O. T. Prickett; James Hill; Second ward, D. W. McFaden, John Spiller; Third ward, James Moore, James M. Bolling.

1876.

William A. Lemma, mayor; W. H. Woodward, clerk; A. D. Norman, attorney; E. S. Robertson, treasurer; O. P. Hightower, marshal; James M. Prickett, police magistrate; aldermen—First ward, Sam T. Brush, O. T. Prickett; Second ward, Robert Bryden, D. W. McFaden; Third ward, John Hayden, James Moore.

1877.

F. A. Prickett, mayor; O. H. Abel, clerk; S. H. Haynes, attorney; J. M. Scurlock, treasurer; O. P. Hightower, marshal; James M. Prickett, police magistrate; aldermen—First ward, L. H. Carlton, Sam T. Brush; Second ward, D. W. McFaden; Third ward, L. W. Martin, John Hayden.

1878.

F. A. Prickett, mayor; O. H. Abel, clerk; S. H. Haynes, attorney; J. M. Scurlock, treasurer; W. D. Thomas, marshal; Sam. E. North, police magistrate; aldermen—First ward, Sam T. Brush, L. H. Carlton; Second ward, D. W. McFaden, L. W. Martin; Third ward, John Hayden, C. C. Thomas.

1879.

E. J. Ingersoll, mayor; O. H. Abel, clerk; John W. Burton, attorney; J. M. Scurlock, treasurer; J. M. Barlow, marshal; Sam. E. North, police magistrate; aldermen—First ward, W. H. Hudson, Sam T. Brush; Second ward, Ed. Brown, C. C. Thomas; Third ward, John H. Burket, John Hayden.

1880.

E. J. Ingersoll, mayor; O. H. Abel, clerk; John W. Burton, attorney; J. M. Scurlock, treasurer; W. W.

Colvin, marshal; Sam. E. North, police magistrate; aldermen—First ward, Sam T. Brush, W. H. Hudson; Second ward, Ed. Brown, C. C. Thomas; Third ward, John Hayden, John H. Burket.

1881.

E. J. Ingersoll, mayor; O. H. Abel, clerk; W. P. Lightfoot, attorney; F. A. Prickett, treasurer; W. W. Colvin, marshal; Sam. E. North, police magistrate; aldermen—First ward, Isaac Rapp, James H. Harvey; Second ward, Ed. Brown, C. C. Thomas; Third ward, W. H. Brewster, John Hayden.

1882.

E. J. Ingersoll, mayor; O. H. Abel, clerk; W. P. Lightfoot, attorney; F. A. Prickett, treasurer; A. D. Hindman, marshal; Sam. E. North, police magistrate; aldermen—First ward, M. R. Embree, James H. Harvey; Second ward, Ed. H. Elliott, Ed. Brown; Third ward, Patrick Leary, L. H. Carlton.

1883.

E. J. Ingersoll, mayor; J. G. Sims, clerk; W. P. Lightfoot, attorney; S. S. Kimmel, treasurer; W. W. Colvin, marshal; Sam. E. North, police magistrate; aldermen—First ward, Sam. Hewitt, M. R. Embree; Second ward, G. W. Graham, Ed. H. Elliott; Third ward, Thomas Brown, Patrick Leary.

1884.

E. J. Ingersoll, mayor; J. G. Sims, clerk; W. P. Lightfoot, attorney; S. S. Kimmel, treasurer; W. R. Wooten, marshal; Sam. E. North, police magistrate; aldermen—First ward, Charles Gager, Sam.

Hewitt; Second ward, J. J. Robertson, G. W. Graham; Third ward, Patrick Leary, Thomas Brown.

1885.

E. J. Ingersoll, mayor; O. H. Abel, clerk; B. W. Moore, attorney; F. A. Prickett, treasurer; W. R. Wooten, marshal; Sam. E. North, police magistrate; aldermen—First ward, E. P. Purdy, Charles Gager; Second ward, R. D. Owen, J. J. Robertson; Third ward, William Mellor, L. H. Carlton.

1886.

E. J. Ingersoll, mayor; O. H. Abel, clerk; E. L. Abel, attorney; F. A. Prickett, treasurer; W. R. Wooten, marshal; A. B. Parmelee, police magistrate; aldermen—First ward, W. L. Durkee, A. F. Bridges; Second ward, J. J. Robertson, R. D. Owen; Third ward, William Mellor, L. H. Carlton.

1887.

J. H. Burket, mayor; W. H. Hudson, jr., clerk; R. T. Lightfoot, attorney; C. F. Prickett, treasurer; W. R. Wooten, marshal; A. B. Parmelee, police magistrate; aldermen—First ward, W. L. Durkee, A. F. Bridges; Second ward, J. C. Salter, J. J. Robertson; Third ward, Simeon Walker, L. H. Carlton.

1888.

J. H. Burket, mayor; W. H. Hudson, jr., clerk; R. T. Lightfoot, attorney; C. F. Prickett, treasurer; W. J. Parish, marshal; L. W. Throgmorton, police magistrate; aldermen—First ward, A. F. Bridges, W. L. Durkee; Second ward, Charles Deason, J. C. Salter; Third ward, Hugh Lauder, Simeon Walker.

1889.

Hugh Lauder, mayor; W. H. Hudson, jr., clerk; M. M. Thompson, attorney; R. G. Sylvester, treasurer; W. H. Brewster, F. M. Taylor, marshals; L. W. Throgmorton, police magistrate; aldermen—First ward, J. M. Johnson, A. F. Bridges; Second ward, L. L. Watson, Charles Deason; Third ward E. B. Putnam, G. W. Entsminger.

1890.

Hugh Lauder, mayor; W. H. Hudson, jr., clerk; M. M. Thompson, attorney; R. G. Sylvester, treasurer; F. M. Taylor marshal; J. W. Grammer, police magistrate; alderman—First ward, F. Phœnix, J. M. Johnson; Second ward, James Anderson, L. L. Watson; Third ward, G. W. Entsminger, E. B. Putnam.

1891.

J. H. Searing, mayor; W. E. Robertson, clerk; T. S. Thompson, attorney; F. A. Prickett, treasurer; Alex. Crowell, R. W. Morton, Joshua Winchester, Charles Crowell, E. H. Grammer, marshals; J. W. Grammer, police magistrate; aldermen—First ward, J. M. Johnson, C. W. Purdy; Second ward, L. L. Watson, James Anderson, (both resigned and J. M. Richart and J. M. Evans elected in their places); Third ward, C. C. Lawrence, G. W. Entsminger.

1892.

J. H. Searing, mayor (resigned and A. M. Lee elected by the council); W. E. Robertson, clerk; T. S. Thompson, attorney; F. A. Prickett, treasurer; James M. Johnson, A. D. Grant, Wm. D. Rider, marshals; J. W. Grammer, police magistrate; aldermen—First ward, J.

M. Johnson, J. F. Duff; Second ward, J. M. Dillinger, J. M. Richart; Third ward, A. M. Lee, C. C. Lawrence.

1893.

J. M. Johnson, mayor; Simeon Walker, clerk; J. H. B. Renfro, attorney; A. F. Bridges, treasurer; Wm. D. Rider, marshal; J. W. Grammer, police magistrate; aldermen—First ward, J. F. Duff, James C. Brush; Second ward, L. L. Watson, J. M. Dillinger; Third ward, A. M. Lee, C. C. Lawrence.

1894.

J. M. Johnson, mayor; Simeon Walker, clerk; J. H. B. Renfro, attorney; A. F. Bridges treasurer (died in office, succeeded by M. M. Thompson); Wm. D. Rider, J. J. Robertson, marshals; I. C. Batson, police magistrate; aldermen—First ward, O. Barbour, E. H. Brush; Second ward, J. H. Cole, L. L. Watson; Third ward, Henry Crawshaw, A. M. Lee. (License Board.)

1895.

Thomas F. Hord, mayor; Ben Wharton, clerk; J. F. Taylor, attorney; H. R. Searing, treasurer; John W. Toler, marshal; A. S. Caldwell, police magistrate; aldermen—First ward, H. C. Mitchell, T. K. Mackey; Second ward, L. L. Watson, John H. Cole; Third ward, A. M. Lee, W. H. Brewster.

1896.

Thomas F. Hord, mayor (moved out of town and L. L. Watson elected by council in his place); F. M. Caldwell, clerk; J. F. Taylor, attorney; H. R. Searing, treasurer; John W. Toler, marshal; A. S. Caldwell, police magistrate; aldermen—First ward, H. C. Mitchell,

L. L. Prickett; Second ward, J. M. Evans, L. L. Watson; Third ward, Henry Crawshaw, W. H. Brewster.

1897.

Hugh Lauder, mayor; F. M. Caldwell, clerk; J. H. Burket, attorney; W. H. Ashley, treasurer; J. J. Robertson, A. H. North, marshals; A. S. Caldwell, police magistrate; aldermen—First ward, J. T. McAnally, L. L. Prickett; Second ward, H. A. Ingersoll, J. M. Evans; Third ward, Isaac Ledbetter, Henry Crawshaw (moved out and Horace Wickham elected to fill the vacancy).

1898.

Hugh Lauder, mayor; F. M. Caldwell, clerk; J. H. Burket, attorney; W. H. Ashley, treasurer; J. J. Robertson, J. W. Toler, marshals; W. P. Lightfoot, police magistrate; aldermen—First ward, L. L. Prickett, J. T. McAnally; Second ward, E. W. Barth, H. A. Ingersoll; Third ward, E. D. Travelstead, Horace Wickham.

1899.

J. M. Dillinger, mayor; F. M. Caldwell, clerk; J. F. Taylor, attorney; H. R. Searing, treasurer; G. J. Walker (served two months and J. J. Robertson appointed) and J. D. Etherton, marshals; W. P. Lightfoot, police magistrate; aldermen—First ward, J. T. McAnally, L. L. Prickett; Second ward, M. R. Fakes, E. W. Barth; Third ward, E. D. Travelstead, H. E. Lightfoot.

1900.

J. M. Dillinger, mayor; F. M. Caldwell, clerk; J. H. Burket, attorney; H. R. Searing, treasurer; J. J. Robertson, J. D. Etherton (latter served one month and

D. C. Brown appointed), marshals; W. P. Lightfoot, police magistrate; aldermen—First ward, J. T. McAnally, H. C. Mitchell; Second ward, M. R. Fakes, H. A. Ingersoll; Third ward, H. E. Lightfoot, G. W. Entsminger.

1901.

J. T. McAnally, mayor; F. M. Caldwell, clerk; A. L. Spiller, attorney; W. H. Ashley, treasurer; J. J. Robertson, D. C. Brown, marshals; W. P. Lightfoot, police magistrate; aldermen—First ward, John Keesee, H. C. Mitchell; Second ward, C. E. White, H. A. Ingersoll; Third ward, J. N. Howell, W. E. Bush; Fourth ward, J. W. Hanford, G. W. Entsminger.

1902.

J. T. McAnally, mayor; F. M. Caldwell, clerk; A. L. Spiller, attorney; W. H. Ashley, treasurer; J. J. Robertson, D. C. Brown, marshals; J. H. B. Renfro, police magistrate; aldermen—First ward, John Keesee, Frank Clements; Second ward, C. E. White, H. A. Ingersoll; Third ward, J. N. Howell, W. E. Bush; Fourth ward, J. W. Hanford, J. M. Etherton.

1903.

E. E. Mitchell, mayor; F. M. Caldwell, clerk; D. V. Youngblood, attorney; H. R. Searing, treasurer; J. J. Robertson, D. C. Brown, marshals; J. H. B. Renfro, police magistrate; aldermen—First ward, Frank Clements, H. C. Curtis; Second ward, C. E. White, H. A. Ingersoll (died in office); Third ward, W. E. Bush, John Hayden; Fourth ward, E. D. Travelstead, J. M. Etherton.

1904.

E. E. Mitchell, mayor; F. M. Caldwell, clerk; D. V. Youngblood, attorney; H. R. Searing, treasurer; J. J. Robertson, D. C. Brown, marshals; J. H. B. Renfro, police magistrate; aldermen—First ward, E. S. Patten, H. C. Curtis; Second ward, J. M. Anderson, C. E. White; Third ward, John Hayden, Henry Young; Fourth ward, E. D. Travelstead, J. M. Etherton.

1905.

C. E. White, mayor; F. M. Caldwell, clerk; T. B. F. Smith, attorney; A. G. Purdy, treasurer; J. J. Robertson, F. A. Strohink, marshals; J. H. B. Renfro, police magistrate; aldermen—First ward, E. S. Patten, J. M. Dillinger; Second ward, J. M. Anderson, W. H. Ingersoll; Third ward, Henry Young, W. G. Spiller; Fourth ward, J. M. Etherton, George A. Campbell.

ORDER OF BUSINESS.

1. Calling the roll of Aldermen and noting absentees.
2. Reading minutes of previous meeting, amending, correcting, and disposing of the same.
3. Reports of city officers—
 - (a) The Mayor.
 - (b) The City Clerk.
 - (c) The City Attorney, Police Magistrate, and Marshals.
 - (d) The City Treasurer.
 - (e) The Street Commissioner.
4. Reports of Special Committees in the order of priority of appointment, unless otherwise specially ordered.
5. Reports of Standing Committees—
 - (a) Street Committee.
 - (b) Finance Committee.
 - (c) Ordinance Committee.
 - (d) Police and Jail Committee.
 - (e) Cemetery,
6. Receiving and referring petitions.
7. Reading and disposing of communications.
8. Consideration of claims, bills, and other demands.
9. Unfinished business and business lying over.
10. New and miscellaneous business.
11. Adjournment.

ORDINANCES.

AN ORDINANCE In Revision and Consolidation of the General and Revised Ordinances of the City of Carbondale, Illinois.

WHEREAS, It is necessary that the general and revised ordinances of the City of Carbondale, Jackson County, Illinois, should be revised and compiled; and

WHEREAS, It is expedient and desirable that they should be consolidated and arranged in appropriate chapters, articles and sections, and that the whole should be made as concise, clear and intelligible as possible; therefore

Be it ordained by the City Council of the City of Carbondale, as follows; that is to say:

CHAPTER I.

ANIMALS.

Article I.	Their running at large.	Article III.	Dead animals.
Article II.	Leaving teams unhitched, obstructing streets, hitching to shade trees.	Article IV.	Dogs.
		Article V.	Cruelty.
		Article VI.	Butchering.

ARTICLE I.

THEIR RUNNING AT LARGE.

I *Kinds Not to Run at Large—Conditions.* SECTION I. It shall be unlawful for any animal of the kind or species of horse, ass, mule, cattle, sheep, goat, swine, or geese to run at large or go unrestrained within the corporate limits of this city; and the running at large, as aforesaid, of any or all of the aforesaid animals is hereby declared a nuisance, which the city marshal or pound master shall instantly abate upon view by taking up and confining any such animal in some certain pen, stable, or inclosure, to be known and designated as the pound of said city: *Provided, however,* that the passage of such animal or animals through or over the streets and avenues of said city while being driven from one inclosure to another, or while going to or returning from grounds lying beyond the city limits, and the herding and grazing of such animal or animals upon such grounds in such manner, and under such care, restraint and control of drivers or herders as during such passage, herding, feeding and grazing, shall effectually restrain and govern the movements of, and prevent,

such animal or animals from passing upon sidewalks, or feeding, grazing or trespassing upon any private or city property without permission of the owner, shall not be considered a violation of this section.

[All references in the annotations to the Revised Statutes are to Hurd's Revision of 1903, and the abbreviation R. S. is uniformly used for Revised Statutes.—The Reviser.]

General Statute in regard to animals running at large, R. S. Chapter 8, Sections 1-14. Authority of city council to prohibit animals running at large, R. S. Chapter 24, Article V, Section 1, clause 80.

Where animals escape from their owner and are immediately pursued, they are not liable to be impounded. Neglect of proper care to restrain, or wrongful intent to suffer them to run at large, is necessary to charge the owner under the ordinance. *Kinder vs. Gillespie*, 63 Ill. 88.

The Legislature has conferred upon cities power to declare what shall constitute a nuisance and to provide for abating the same. *Roberts vs. Ogle*, 30 Ill. 459; *Westgate vs. Carr*, 43 Ill. 450.

2 *Penalty*. SEC. 2. Whoever, being the owner or having control of any domestic animal of the species mentioned in section 1 of this chapter, shall turn, or cause the same to be turned, loose in any street, alley, common or public place, or suffer the same to run at large or go unrestrained within the limits of the city, shall, upon conviction, be fined not less than two nor more than ten dollars for each offense, and in like sum for every day that such animal or animals shall be suffered to run at large after conviction under the provisions of this ordinance.

R. S. Chapter 8, Section 2.

3 *Pound Master — Appointment of — Compensation*. SEC. 3. The office of pound master is hereby created, and the mayor shall nominate and, by and with the advice of the city council, appoint some discreet and suitable person, who is a resident of the city, as pound master, who shall be subject to removal by the mayor and council at any regular meeting, or by the mayor during the intervals between the regular meetings of the council. He shall receive no salary or compensation other than the fees and charges hereinafter fixed and

prescribed, none of which shall, in any event, become a charge against, or a liability of, the city, or payable out of its treasury. He shall take the same oath as other city officers, and give bond in the sum of five hundred dollars.

R. S. Chapter 24, Section 2, clause 80.

4 *City Pound—Pound Master to Establish.* SEC. 4. It is hereby made the duty of the pound master, at his own expense, to establish and maintain, at some suitable and convenient place within the limits of the city, a suitable and sufficient lot, pen, or other inclosure as a city pound; and the said pound shall, at all hours of the day time, be open and accessible, freely and without hindrance, to all persons for the examination and inspection of animals impounded therein.

5 *Animals to Be Impounded.* SEC. 5. Whenever any such animal or animals as are mentioned in section 1 of this chapter shall be found running at large or unrestrained within the limits of the city, the pound master shall forthwith arrest, take up and restrain and confine the same in the city pound, and there keep and properly care for the same until redeemed and removed, or sold, as hereinafter provided.

By-law or ordinance may authorize animals to be impounded. *Poppen vs. Holmes*, 44 Ill. 360. But the pound master can not be authorized to sell the impounded animal without a judicial proceeding to determine whether a penalty has been incurred. *Willis vs. Segris*, 45 Ill. 289. Animals found within city limits, but belonging to parties living outside, may be impounded. *Friday vs. Floyd*, 63 Ill. 50.

6 *Notice of Impounding—When Given.* SEC. 6. Whenever the pound master shall have impounded any animal or animals, he shall, within twenty-four hours after such impounding, notify the owner, keeper, or custodian thereof, if he, she or they be to him known, or by diligent inquiry by him ascertained, of the fact of such impounding by delivering a notice containing a description of such animal or animals to such owner, keeper, or custodian, or leaving a copy thereof at his,

her or their place of business with some person over the age of twelve years. Such notice shall be in writing, signed by such officer, and be served by copy.

7 *How Impounded Animal Redeemed, Etc.* SEC. 7. Any animal or animals impounded under the provisions of this chapter may be redeemed and reclaimed by the owner, keeper or custodian upon payment to the pound master of a restraining fee of two dollars for every animal of the species of horse, mule, ass, or cattle, and fifty cents for every animal of the species of sheep, swine or goat, together with the further sum in all cases of twenty-five cents per day for maintaining the same for every day such animal or animals shall be allowed to remain impounded after service of the notice of impounding and the fee for the service of said notice.

8 *Proceeding to Sell.* SEC. 8. When any animal or animals impounded under the provisions of this chapter shall have remained in the pound unredeemed for a period of three days, the pound master shall file with the police magistrate, or some justice of the peace of the county, a statement, in writing, showing the number and character of such animals, the date when impounded, the name of the owner, keeper, or custodian, if known, and the date when the notice of impounding was served, with manner of serving the same. Whereupon the police magistrate or justice of the peace shall forthwith issue a summons against such owner, keeper, or custodian, which summons shall be returnable and be served as other summonses in civil actions, and shall require the person or persons against whom the same is issued to appear and show cause, if any, why such animal so impounded should not be sold according to the provisions of this chapter.

9 *Unknown Owner—Proceeding—When.* SEC. 9. If the owner, keeper or custodian of such animal or animals be unknown to the pound master, and upon diligent inquiry by him can not be ascertained, the statement filed by him with the magistrate or justice shall

show that fact and shall be verified by his affidavit, and thereupon the magistrate or justice shall docket the proceedings as "The City of Carbondale vs. The Unknown Owners of Impounded Animals," and shall cause notices, signed by him, to be posted in three of the most public places in the city describing the animal or animals, giving the date of impounding, the amount of cost and charges for impounding and maintaining, and requiring the owner, keeper or custodian to appear before such magistrate or justice, at a place and on a day and at an hour named in said notices, which shall not be less than five nor more than fifteen days from the date thereof, then and there to show cause, if any, why such animal or animals so impounded should not be sold according to the provisions of this chapter.

Where owner is unknown, notice by posting is authorized. *Poppen vs. Holmes*, 44 Ill. 360.

10 *Duty of Officer to Post Notice, Etc.* SEC. 10. The officer to whom such notice shall be delivered for posting shall post the same within twenty-four hours after being by him received, and shall make return upon a copy thereof showing the date and places of posting, and the owner, keeper or custodian of such animal or animals may appear and be made a party defendant in such proceeding at any time before final judgment therein.

11 *Hearing Before Magistrate.* SEC. 11. In all proceedings under the provisions of this chapter the magistrate or justice before whom the same is had shall, when the hour for trial arrives, hear the evidence and render judgment thereon, and if the owner, keeper or custodian of the animal or animals impounded shall have been personally served with summons, or shall appear in person or by attorney without having been personally served, such magistrate or justice shall ascertain and find whether or not the defendant has violated any of the provisions of this ordinance, and, if he find the defendant guilty, shall assess the proper penalty for such violation, and shall also find the amount of costs and charges that have accrued in and about the

impounding and maintaining of such animal or animals, and he shall render judgment for such penalty and for such costs and charges; but if he find the defendant not guilty, he shall order the proceedings dismissed and the animal or animals surrendered; but if there has been no personal service, and the defendant does not appear, he shall render judgment only for the costs and charges of impounding and maintaining as aforesaid.

12 *Personal Judgment—When—Special Execution.*

SEC. 12. In all cases under the provisions of this chapter where the owner, keeper or custodian of the impounded animal or animals shall have been personally served with summons, or shall appear without such service, the judgment, if against the defendant, shall be a personal judgment, and execution shall issue thereon as in other civil cases; but the impounded animals shall be first sold to satisfy the same. But in cases where no personal service is had, and no appearance entered by any person interested, the judgment shall be for the sale of the impounded animal or animals to satisfy the amount of costs and charges, including the costs of trial and sale, and a special execution shall issue to the pound master, city marshal, or any constable, directing him to advertise and sell said animal or animals to satisfy said judgment and costs of advertising and sale.

13 *Sale—Return of Execution—Surplus of Sale.*

SEC. 13. All sales under the provisions of this chapter shall be made upon like notice and in like manner as sales upon execution from justices' courts in civil cases, and the execution, together with the proceeds of the sale, shall be returned by the officer making the sale to the magistrate or justice by whom the same was issued, who, after deducting the amount of the judgment and costs and subsequent sustenance of each animal to day of sale and costs of sale, shall pay to the owner, keeper, or custodian of such animal or animals, if known, any surplus of said sale; if unknown, such surplus to be paid within thirty days to the city treasurer, who shall keep an account of such moneys, and the

owner of the animal or animals sold may obtain the same from the city by the direction of the city council at any time within one year after the sale from which the same was realized upon satisfactory evidence of his ownership of the animal or animals sold.

14 *Fees—Proviso.* SEC. 14. The fees for services under the provisions of this chapter, except as hereinbefore mentioned, shall be as follows: For serving on owner notice of impounding, twenty-five cents; for issuing and filing notices to show cause against order of sale, seventy-five cents; for posting and returning said notices, seventy-five cents; and for all other services herein required the same fees as are or may be allowed by law to justices and constables in civil cases; but it is hereby expressly provided that the city shall not be liable for any fees, costs or charges in any proceedings under this chapter, nor shall any fees, costs or charges in any event be made a charge against or be paid out of the treasury of the city.

15 *Breaking Pound—Rescuing Animal—Penalty.* SEC. 15. Any person who shall break open the city pound, or any inclosure where any animal or animals may be impounded, or in any manner release the same, shall, upon conviction, be fined not less than three nor more than twenty-five dollars for each offense.

16 *Obstructing Officer—Penalty.* SEC. 16. Whoever shall hinder, delay or resist any officer, or any person acting under the direction of an officer, in the discharge of any duty prescribed by this chapter, or whoever shall aid, abet or encourage such hindrance, delay, obstruction, or resistance, shall, upon conviction, be fined not less than three nor more than twenty-five dollars for each offense.

17 *Using Animals—Penalty.* SEC. 17. The pound master shall not use, nor suffer any other person or persons to use, any animal or animals restrained by him or in his custody under the provisions of this chapter, and any persons using any such animal or animals without the knowledge or consent of the pound master

shall, upon conviction, be fined not less than three nor more than twenty-five dollars.

18 *Using or Abusing Impounded Animals—Penalty.*
SEC. 18. If the pound master shall use, or suffer to be used, any animal or animals in his custody under the provisions of this chapter, or shall wilfully fail, neglect or refuse to give notice of impounding, as herein required, or shall wilfully fail, neglect or refuse to properly feed, care for or maintain the same, or shall abuse or cruelly treat the same while in his custody, shall, upon conviction, be fined not less than ten nor more than fifty dollars.

ARTICLE II.

LEAVING TEAMS UNHITCHED—OBSTRUCTING STREETS— HITCHING TO SHADE TREES, ETC.

19 *Teams or Animals to be Made Fast.* SECTION 19. It shall be unlawful for any person or persons, being the owner or owners, or having possession or control, of any animal, animals or team of animals, of the kind or species of horse, mule, ass, cattle, or any other commonly known and used as animals of burden or labor, harnessed, saddled or yoked, or attached to any wagon, cart, buggy, carriage, dray or other vehicle or conveyance, or to any kind of machine, instrument or thing usually drawn by such animals, to leave the same standing, remaining or being in, any street, alley or other public place, within the limits of the city, without first hitching or making the same fast by a good, stout and substantial rope, chain or halter, to some stake, post, rack or railing or other thing prepared or permitted to be used for hitching purposes.

20 *Obstructing Sidewalks or Streets with.* SEC. 20. It shall be unlawful for any person or persons having possession or control of any horse, mare, mule, jackass, jenny, bull, ox or cow, or any other like animal, to lead, drive or ride the same upon or over any sidewalk adjacent to any street or alley, within the limits of the city, or to hitch or leave the same standing or remaining upon any sidewalk, crosswalk or crossing, or in any manner to obstruct any sidewalk, crosswalk or crossing with, or by means of, any such animal or animals, or team, or teams of the same, or any wagon, cart, buggy, carriage or other vehicle or conveyance to which any such animal or team may be attached.

21 *Tethering Out—Penalty.* SEC. 21. It shall not be lawful for any person or persons, being the owner or owners, or having charge of the same, to tie or tether any animal of the kind or species of horse, mule, cow, or other animal, within the limits of the city, so that such animal or animals, and the rope, chain or halter to which same may be attached, or either of them, shall obstruct any street, alley, sidewalk, crosswalk or crossing; and every person violating this section shall be fined not less than three nor more than twenty-five dollars for each offense.

22 *Hitching to Shade Trees.* SEC. 22. It shall be unlawful to hitch or fasten any horse, mare, mule, ass, ox or other animal, or team of animals, to any tree planted, standing, growing or being within the limits of the city, or to hitch or fasten the same, or any of them, to any lamp post of any street lamp, water fountain or hydrant, within the city limits.

See *Baker vs. Town of Normal*, 81 Ill. 108.

23 *Penalty.* SEC. 23. Whoever shall violate the provisions of the foregoing sections nineteen, twenty, twenty-one and twenty-two, or any of the same, shall, on conviction, be fined in any sum not less than three nor more than twenty-five dollars for each and every offense.

24 *Officers Charged With Enforcement.* SEC. 24. The city marshal and street commissioner and all other police officers shall severally and jointly see that the provisions of sections nineteen, twenty, twenty-one and twenty-two of this chapter are enforced, and when they, or either of them, find any animal or team left, remaining or being in any manner, or under any circumstances therein declared to be unlawful, they or he shall, if said animal or team be left unhitched in the street, forthwith hitch or fasten the same; if left tethered out or standing so as to be and remain upon or over any sidewalk, crosswalk or crossing, forthwith to remove or cause same to be removed, and if left unhitched or fastened to any shade tree, lamp post, water fountain or hydrant, forthwith to remove and fasten the same securely in some proper place; and in all cases where the owner, keeper or those having control of any animal or team of animals so left in an unlawful manner is or are known to the said marshal or other officers, they or he shall forthwith institute proceedings and cause process to be issued to prosecute such offender for such offense.

ARTICLE III.

DEAD ANIMALS.

25 *Who to Remove—Penalty.* SECTION 25. Whenever any animal or animals of the kind or species of horse, mule, ass, cattle, sheep, swine, goat or dog, or other animal, shall die, within the limits of the city, the owner or owners, person or persons having possession or control thereof shall forthwith remove or cause the same to be removed out of the city limits, and at least four hundred yards from any dwelling, and there buried, and for a failure so to do shall, on conviction, be fined not less than one nor more than ten dollars for

each and every animal so left unremoved for the space of twenty-four hours after receiving knowledge, notice or information that the same lies or remains dead within the city limits.

R. S. Chapter 24, Section 62, clauses 75, 78.

26 *Duty of Street Commissioner.* SEC. 26. Whenever any such animal or animals as are mentioned in section twenty-four of this chapter shall be found by the street commissioner lying dead, or whenever he shall receive information that any such animal or animals are dead, within the limits of the city, and the owner or keeper thereof is to him known, he shall forthwith give notice of the fact to such owner or keeper, and if the same be not removed by such owner or keeper within twenty-four hours from such notice, or if no owner or keeper be found, then the said superintendent of streets shall cause the same to be removed. He shall also forthwith make complaint to the police magistrate or some justice of the peace and have process issued to prosecute such owner or keeper (if the same be to him known,) so failing or refusing to remove such animal or animals for the penalty provided in section twenty-five of this chapter.

ARTICLE IV.

DOGS.

27 *Tax on—When and to Whom Paid.* SECTION 27. An annual tax of one dollar on each dog, and two dollars on each bitch, within the corporate limits of said city, is hereby declared payable for each municipal year, on or before the 1st day of June of each calendar year, by the owner or keeper of said dog or bitch to said city. Any owner or keeper of such dog or bitch who shall fail to pay such tax, or kill or perma-

nently remove such dog or bitch from the corporate limits of said city on or before the time fixed for the payment of such tax, or who shall thereafter refuse to surrender to the city marshal, on demand, such dog or bitch for the purpose of being destroyed, shall, on conviction, be fined not less than three nor more than ten dollars. But said penalty may be avoided before trial by payment of said tax and costs to date of payment.

Power to tax dogs. R. S. Chapter 24, Article V, Section 1, clause 80. And that muzzle may be required, and unmuzzled dogs declared a nuisance. See *Pritchard vs. Keeper*, 53 Ill. 117; *Leach vs. Elwood*, 3 Ill. App. 453.

28 *City Marshal to Make List, Etc.* SEC. 28. Upon the 1st of May in each year it shall be the duty of the city marshal to make a list of all dogs owned in the city, and by whom owned so far as the same may be known to him, and he shall give public notice in the city newspaper to all persons owning, having or keeping any dog or bitch in the city of Carbondale to pay their dog tax on or before the 1st day of June in such year.

29 *City Marshal to Provide Collar.* SEC. 29. All persons owning, having or keeping any dog or bitch within the corporate limits of the city of Carbondale shall pay the tax mentioned in section one of this chapter to the city marshal, who in lieu of a receipt therefor shall deliver to such person paying said tax a metallic plate having the letters "D. T. P." and the calendar year in figures thereon, which characters shall signify that said tax is paid for the following year from June 1 in the calendar year indicated. The owner or keeper of any dog or bitch upon which the said tax has been paid as aforesaid shall affix in a permanent manner to his or her dog or bitch the metallic plate aforesaid so that the same can readily be seen by the city officers.

30 *City Clerk to Purchase.* SEC. 30. The city clerk shall purchase a supply of the metallic plates mentioned in section three of this chapter in such num-

bers as the council may direct, and shall furnish the same to the city marshal, taking his receipt therefor for the number of plates so delivered, and the city marshal shall account to the city clerk the manner of disposing of the same whenever requested by said city clerk.

31 *Dogs to Be Muzzled—Penalty.* SEC. 31. No dog or bitch shall be suffered to run at large within the corporate limits of said city unless securely muzzled when danger of hydrophobia shall be declared to exist by proclamation of the mayor of said city, and any owner or keeper of such dog or bitch who shall wilfully violate the provisions of this section shall be subject to a fine of five dollars.

See Note, Section 1.

32 *Bitch Not to Run at Large When in Heat—Penalty.* SEC. 32. Any bitch running at large while in heat is hereby declared a nuisance, and the owner or keeper of such bitch permitting the same to run at large while in heat shall be subject to a fine of not less than five nor more than fifty dollars, and the city marshal shall, and any other person may, slay or cause to be slain any bitch running at large in the city while in heat, and its body to be buried.

Power to declare what is a nuisance. R. S. Chapter 24, Article V, Section 1, clause 75.

33 *Dangerous Dog—Prohibited—Penalty.* SEC. 33. The owner of a fierce and dangerous dog or bitch who shall permit the same to go at large, to the danger, damage or annoyance of any of the inhabitants, shall be subject to a fine of not less than five nor more than fifty dollars, and upon a second conviction for the same offense the city marshal shall immediately cause the dog on account of which the conviction takes place to be slain and its body to be buried.

34 *When Tax Paid—Duty of Marshal.* SEC. 34. Every dog or bitch upon which the tax shall not be paid as provided by the provisions of this chapter shall be

liable to summary destruction, and the city marshal shall proceed annually, on the second day of June, to destroy, remove and bury every such dog and bitch, and shall continue the work of destruction until none remains; or he may seize and impound the same, and keep them so impounded five days, during which time the owner or keeper may redeem by paying the amount of the tax on every dog or bitch and costs to time of payment. If, at the end of five days, such dogs or bitches be not reclaimed the city marshal shall destroy them as hereinbefore provided.

35 *What Dogs Exempt.* SEC. 35. The provisions of this chapter shall not apply to any dog or bitch under the age of three months, nor to any dog or bitch brought into the city by the owner thereof, the owner being a non-resident, until such dog or bitch shall have been in the city three days.

36 *Fees for Collecting and Killing.* SEC. 36. The following fees shall be allowed for services rendered under the provisions of this chapter out of the city treasury: To the city clerk, five per cent. of the dog tax collected; to the city marshal, twenty per cent. of the dog tax collected, and also fifty cents for each dog or bitch killed and buried by him; and he shall verify his claim against said city for the last-named fee by affidavit, stating the time when such dog or bitch was killed and where the same was buried.

37 *Marshal to Pay Money Over—When.* SEC. 37. The city marshal shall pay to the city treasurer, on or before the first day of July in each year, the amount of money by him received on account of dog tax, less his charges and allowances.

38 *Fee for Impounding.* SEC. 38. For the impounding of each dog or bitch, when the same shall be redeemed, the city marshal shall collect a fee of fifty cents for each dog or bitch so impounded, together with cost of maintenance while so impounded.

ARTICLE V.

CRUELTY TO ANIMALS.

39 *Manner — Penalty — Prosecution.* SECTION 39. Whoever shall be guilty of cruelty to any animal, within the limits of the city, in any of the ways or by any of the means mentioned in this section, shall, on conviction, be fined not less than three nor more than one hundred dollars, and the city marshal is hereby charged with the enforcement of the provisions hereof and shall make complaint against and have process issued to prosecute any, every and all persons offending against the same.

40 *First.* By overloading, overdriving, overworking, cruelly beating or mutilating any animal, or causing or knowingly allowing the same to be done.

41 *Second.* By cruelly working any old, maimed, sick, infirm or disabled animal, or causing or knowingly permitting the same to be done.

42 *Third.* By wilfully failing, neglecting or refusing to properly feed, provide or care for any animal in his, her or their custody, charge or control.

43 *Fourth.* By abandoning any old, infirm, sick or disabled animal.

Power to prohibit and punish cruelty to animals. R. S. Chapter 24, Article V, Section 1, clause 73.

44 *Animals Found Standing After 12 O'clock at Night—Duty of Police.* SEC. 40. Any police officer who may find any horse or mule, or any team, upon any street or alley in said city after 12 o'clock at night, without any owner or other person being in charge thereof, shall be authorized to take such animal or team to the city pound or other safe place, to be there kept and supplied with necessary sustenance until the owner or person entitled to the possession of the same shall appear and prove his ownership, and pay the proper charges thereon.

ARTICLE VI.

BUTCHERING.

45 *No Butchering—Penalty.* SEC. 41. Any butcher or other person engaged in the business of butchering or slaughtering animals as a business or occupation who shall kill, slaughter or butcher any cattle, sheep, goat or swine, or other animals the flesh of which is used or eaten for food, within the limits of the city, shall, on conviction, be fined not less than three dollars nor more than ten dollars for each and every such animal so killed or slaughtered.

46 *Not to Keep Butchering Pen, Etc.—Penalty.* SEC. 42. Any and every house, building, pen or place kept or used, within the limits of the city, for slaughtering purposes shall be deemed and held to be a nuisance and abated by the city marshal accordingly. And the person or persons so keeping or using any such house, building, pen or place shall, on conviction thereof, be fined not less than three nor more than one hundred dollars: *Provided*, that nothing in this or the preceding section shall prevent the city council from granting any butcher or other person permission to slaughter or establish a slaughtering pen or house within the limits of the city.

CHAPTER II.

AUCTIONEERS AND AUCTIONS.

47 *License Required.* SECTION 1. It shall be unlawful for any person to engage in, use, exercise or follow the business of auctioneering or hawking as an occupation or for a livelihood, or for money or other valuable thing, within the limits of the city, or for any

transient or traveling person temporarily within the city to sell or dispose of goods, wares, merchandise or other valuable thing for money, at or by auction or hawking, within the limits of the city, without first procuring a license so to do in the manner provided by law or the ordinances of the city.

Authority of cities to require license. R. S. Chapter 24, Article V, Section 1, clause 41.

Illinois State Const. Article IX, Section 1.

Wiggins vs. Chicago, 68 Ill. 372.

Who is an auctioneer. Bouv. Dict. under Auctioneer.

Who deemed hawker. Section.

48 *Taxes On—Classification.* SEC. 2. To obtain a license as provided in section one of this chapter, the person applying therefor shall pay the amount required of the class to which his business may belong according to the following classification:

49 *First.* For a license to exercise or follow the business of auctioneer as an occupation or continued calling, when applied for by a citizen or permanent resident of the city, ten dollars per annum, or a proportionately less amount when such license is issued for a shorter period.

50 *Second.* For a like license as above, when applied for by any person not a citizen or permanent resident of the city, fifteen dollars per annum, or a proportionately less amount when such license is issued for a shorter period; *provided, however,* no license to exercise or follow the business of an auctioneer as an occupation or continued calling shall be issued for a longer period than one year nor for a shorter period than three months.

51 *Third.* For a license to hawk or sell goods, wares, merchandise or other valuable thing, except drugs, medicines and recipes, by auction, when applied for by a transient or traveling person temporarily within the city, not less than two dollars nor more eight dollars per day; *provided,* no such license shall be issued for any part or fraction of a day; *and provided further,*

that the provisions of this subdivision of this section shall apply to any person not a *bona fide* resident of the city who shall bring within the limits of the city and have sold at auction any goods, wares, merchandise or other valuable thing, whether brought in stock lots or otherwise, and whether such person conduct such auction himself or employ a resident auctioneer, or any other person, to conduct the same; and it shall also apply to any resident auctioneer conducting such auction; *and provided further*, that every traveling vender of drugs, medicines or recipes shall be deemed a hawker within the meaning of this section, and to obtain a license to carry on such business within this city shall pay not less than fifteen dollars for each and every day he may be engaged in said business within the city.

Power to license itinerant merchants. R. S. Chapter 24, Section 62a.

52 *Hawkers—Who Are.* SEC. 3. The word hawk as used in this chapter shall, except as hereinafter provided, be deemed to mean and apply to one who sells goods, wares, merchandise or other valuable thing at and by public outcry, himself remaining stationed at a certain place or point.

53 *Penalty.* SEC. 4. Whoever shall offend against any of the provisions of this chapter shall, on conviction, be fined not less than three nor more than twenty-five dollars.

CHAPTER III.

AMUSEMENTS.

54 *License Required—For What.* SECTION I. It shall be unlawful for any person, company, corporation or firm to grant or give any entertainment or exhibition

by any theatrical troupe or company, except the same be given by citizens or residents of the city; or any performance, exhibition or entertainment of, or by, any circus, menagerie, hippodrome, side show, pony, dog, monkey or bird show, or artificial curiosities, or of paintings or statuary, fortune telling, feats of jugglery, sleight of hand, necromancy and the like, or to set up, keep or maintain any pin or ball alley, skating rink, shooting gallery, steam swing or merry-go-round, exhibition of rope or wire walking or dancing, puppets, wax figures, or any other similar public exhibition, entertainment, show or amusement whatever, given for gain, within the limits of the city, without first procuring a license so to do in the manner provided by law or ordinances of the city for obtaining license.

Power to regulate shows, etc. R. S. Chapter 24, Article V, clause 41.

Use of streets not allowed for. R. S. Chapter 24, Article V, clause 20.

Purpose of streets. Dillon on Munic. Corp., Sections 683, 730; Quincy vs. Jones, 76 Ill. 231; Caldwell vs. Alton, 33 Ill. 416.

Persons accepting license do so subject to provisions of the ordinance relating thereto, and acceptance of license is acknowledgment of the validity of the ordinance.

Lander vs. Chicago, 111 Ill. 296.

55 *Penalty.* SEC. 2. Whoever shall violate the provisions of section one of this chapter shall, on conviction, be fined not less than three nor more than one hundred dollars.

56 *Tax, Amount—Classification.* SEC. 3. To obtain a license under the provisions of this chapter the person, company, corporation or firm applying for the same shall pay in advance a tax, as follows:

57 *First.* For a license for an exhibition or entertainment by a theatrical, concert or other like troupe or company, not less than three nor more than ten dollars for every two or less exhibitions on the same day; *provided*, that license may be granted to the owners of the opera house upon payment of twelve dollars per

annum, and no theatrical, concert or other like troupe showing or exhibiting in the opera house shall be charged any license.

58 *Second.* For a license for a performance, exhibition or entertainment of, or by, any circus, menagerie, hippodrome, aquarium or other like exhibition, not less than ten nor more than fifty dollars for every two or less number of exhibitions or performances on one and the same day, not including side shows or other similar exhibitions attending or connected with the same, which shall pay an additional tax of not less than five nor more than fifteen dollars per day.

59 *Third.* For a pin or ball alley, ~~skating rink~~ or shooting gallery, five dollars per month, or for any less time than one month, one dollar per day.

60 *Fourth.* For a steam swing or merry-go-'round, twenty-five dollars per month, or for any less time than one month, one dollar per day.

61 *Fifth.* For any other entertainment, exhibition or amusement, one to five dollars per day, and no license shall be issued for any part of a day.

62 *Order Preserved—Special Police.* SEC. 4. Any person, company, corporation or firm giving any exhibition or entertainment provided for in this chapter shall maintain order thereat, and to this end the mayor is hereby authorized, when necessary, or upon the application of any such person, company, corporation or firm, to appoint a sufficient number of special police to attend upon such exhibition or entertainment and preserve order, the compensation of such special police, and all costs thereby occasioned, to be first advanced and paid for by the person, company, corporation or firm giving such exhibition or entertainment.

63 *Disorderly Conduct—Penalty—Forfeiture—Penalty.* SEC. 5. Whoever shall conduct himself at any exhibition or entertainment provided for in this chapter in a riotous and disorderly manner shall, on con-

viction, be fined not less than three nor more than one hundred dollars. And if the person, company, corporation or firm giving any such entertainment shall fail to preserve order thereat, or if any agent, servant or employe thereof shall conduct himself in a riotous or disorderly manner, the mayor may, in his discretion, revoke the license to him, it or them granted, and he, it or they shall, on conviction, be fined the same as if no license had been granted.

CHAPTER IV.

BILLIARD TABLES AND OTHER GAMES.

64 *License Required—Penalty.* SECTION 1. It shall be unlawful for any person or persons, within the corporate limits of said city, to exercise the business, trade or avocation of keeper of a billiard table, pool table, bagatelle table, pigeon table or shuffle board, without first procuring a license so to do as hereinafterward provided, under penalty for exercising such business, trade or avocation without license of not less than twenty-five nor more than two hundred dollars.

R. S. Chapter 24, Article V, Section 1, clause 44.

65 *Application—To Whom—How.* SEC. 2. Any person or persons desiring such license shall file with the city clerk an application therefor in writing, setting forth the location of the building or room to be occupied and the length of time the same is wanted.

66 *Bond Required.* SEC. 3. Before any license under the provisions of this chapter is granted the applicant or applicants therefor shall execute a bond

payable to the city of Carbondale in the penal sum of one thousand dollars, with good and sufficient surety, conditioned that the person or persons to whom such license is granted shall observe all laws and ordinances of said city that may be in force regulating or relative to such business so licensed; which bond shall be approved by the city council and filed with the city clerk before the issuance of such license.

67 *What License Shall State, Etc.* SEC. 4. License issued under the provisions of this chapter shall state the nature of the employment thereunder licensed, the time for which it is granted, the name of the person or persons to whom it is granted, the house or place intended to be occupied; that such license shall be used and the privileges granted thereunder exercised at such place only, and that such license shall not be transferable nor assignable; *provided, however*, that no license shall be issued under the provisions of this chapter for the exercise of either of the business, trades or avocations enumerated in section one of this chapter in any saloon or other place where intoxicating liquors may be sold.

68 *How Conducted—Penalty.* SEC. 5. No person or persons holding license under the provisions of this chapter shall suffer or permit any minor under the age of eighteen years to frequent or loiter about the premises so occupied by him, nor shall sell, barter or exchange or give away, in connection with such business, any intoxicating liquors, nor shall suffer or permit any betting, gaming, riotous or disorderly conduct upon the premises occupied by him or them. Any person or persons violating the provisions of this section shall, on conviction, be fined not less than twenty nor more than one hundred dollars.

69 *When to Open and Close—Penalty.* SEC. 6. Any person or persons taking out license under the provisions of this chapter shall close his place of business at twelve o'clock every night and keep the same so

closed until five o'clock the next morning; nor shall he permit to be kept open his place of business on Sunday; nor shall he permit any kind of gambling in his place of business, either by means of cards, dice or other devices. Any person or persons violating the provisions of this section shall, on conviction, be fined not less than twenty nor more than two hundred dollars.

70 *Amount of License.* SEC. 7. To obtain a license as required by section one of this chapter the person or persons applying therefor shall pay in advance the sum of twenty-five dollars per annum, or a proportionably less amount for any shorter period, for each table or shuffle board used therein. No license shall be issued under the provisions of this chapter for a shorter period of time than three months.

71 *Mayor May Revoke License—When.* SEC. 8. The mayor of the city of Carbondale shall have power, whenever he is satisfied that the laws of the State of Illinois or the ordinances of said city are being violated by any keeper of billiard tables or other games licensed under this ordinance, to immediately revoke the license granted to such keeper of billiard tables or other games, and such keeper aforesaid shall forfeit any amount due him for the unexpired portion of his license; *provided*, that said mayor shall report his action thereunder to the next regular meeting thereafter of the city council, which may approve or disapprove the same; and, in case of disapproval, said revocation shall have no effect; *and provided further*, that the city council may, at any regular or special meeting, revoke the license of any keeper of billiard tables or other games licensed under the provisions of this chapter for any violation of any of the provisions thereof.

CHAPTER V.

BOUNDARIES, WARDS, CITY PROPERTY, CORPORATE SEAL.

Article I. Boundaries.

Article II. Division into Wards

Article III. City Property.

Article IV. Corporate Seal.

ARTICLE I.

BOUNDARIES.

72 *Boundaries of City—What Are.* SECTION 1. That the corporate limits of this city, unless the same be extended or changed in such manner as may be by law provided, are hereby declared to be as follows, to-wit: The west half of the southwest quarter of section fifteen (15), the south half of section sixteen (16), the east half of the southeast quarter of section seventeen (17), the east half of the northeast quarter of section twenty (20), the east half of the southeast quarter of section twenty (20), all of section twenty-one (21), the west half of the southwest quarter of section twenty-

To the boundaries of the city as outlined in section 72 should be added outlot No. 162.

ARTICLE II.

DIVISION INTO WARDS.

73 *Number and Boundaries of.* SECTION 2. That the corporate limits of this city are hereby divided into four wards, as follows: That portion lying west of a

line commencing at the center of the right-of-way of the Illinois Central railroad company and Main street, and running north through the center of the right-of-way of the Illinois Central railroad company to the city limits, and all that portion lying north of a line commencing at the center of Main street and the right-of-way of the Illinois Central railroad company and running west through the center of Main street to the city limits, shall constitute the *First ward*. That portion lying east of a line commencing at the center of the right-of-way of the Illinois Central railroad company and Main street and running north through the center of the right-of-way of the Illinois Central railroad company to the city limits, and all that portion lying north of a line commencing at the center of the right-of-way of the Illinois Central railroad company and Main street and running east through the center of Main street to the city limits, shall constitute the *Second ward*. That portion lying east of a line commencing at the center of Main street and West street and running south through the center of West street to the city limits, and all that portion lying south of a line commencing at the center of Main street and West street and running east through the center of Main street to the city limits, shall constitute the *Third ward*. That portion lying west of a line commencing at the center of Main street and West street and running south through the center of West street to the city limits, and all that portion lying south of a line commencing at the center of Main street and West street and running west through the center of Main street, shall constitute the *Fourth ward*.

ARTICLE III.

CITY PROPERTY.

74 *City Property—What.* SECTION 3. All property now owned, or which for city purposes may hereafter

be acquired, by this city, together with the lands acquired and now owned or which may, in accordance with any law or ordinance, hereafter be acquired and owned by the city for cemetery purposes, shall, unless and until disposed of in such manner as may be by law or ordinance provided, remain the property of the city.

R. S. Chapter 24, Article I, Section 10.

Only the State can question the right of the city to hold property. Dillon on Munic. Corp., Section 5, clause 74.

Dillon on Munic. Corp., Sections 562-565.

Property donated or acquired for a particular public use can not be diverted to another use. *Jacksonville vs. Jacksonville R. W. Co.*, 67 Ill. 540.

75 *Conveyance By City—By Whom Executed.* SEC. 4. Whenever any real property of the city shall have been or shall be sold or disposed of pursuant to law or any city ordinance, the deed of conveyance of the same from the city to the purchaser thereof shall be executed and acknowledged on behalf of the city by the mayor and the city clerk, and the corporate seal attached thereto by the clerk: *Provided*, that no city property as mentioned above shall be conveyed until such conveyance shall have been approved by a majority vote of the city council at one of its regular or special meetings, which vote shall be by yea and nay, and recorded by the city clerk.

R. S. Chapter 24, paragraph 380.

ARTICLE IV.

CORPORATE SEAL.

76 *Corporate Seal—Design Of.* SECTION 5. The corporate seal of this city shall be and remain the same as that heretofore provided and now used, being circular in form, one and one-half inches in diameter, with

the device of an eagle engraved thereon, surrounded with a scroll, with the words "Carbondale Corporation, Jackson County, Illinois," in Roman capitals, inscribed thereon.

City may have seal, and change same at pleasure. R. S. Chapter 24, Article I, Section 10.

77 *Where Kept—To What Attached.* SEC. 6. The corporate seal shall be kept and remain in the custody of the city clerk, and an impression thereof attached to all instruments, documents and other corporate acts which now are or hereafter may be required to be authenticated by the corporate seal.

Corporate act requiring seal is void without. *Kinzie vs. Trustees*, 2, Scam. 187.

CHAPTER VI.

CEMETERIES.

78 *Cemetery Established—Boundaries.* SECTION 1. The land now owned by this city, being that part south of the Grand Tower and Carbondale Railroad of the northeast quarter of the southeast quarter of the northeast quarter of section number seventeen (17), township number nine (9) south of range number one (1) west of the third principal meridian, in Jackson county, Illinois, now known as Oakland cemetery, together with that certain piece of land within the city limits known as the old (Woodlawn) cemetery, are and shall remain dedicated to burial purposes, and no other cemetery shall hereafter be established within the city limits or within one mile thereof.

Power to establish and regulate cemeteries. R. S. Chapter 24, Article V, Section 1, clause 79.

Cemeteries. R. S. Chapter 21.

79 *Plat Recorded—How Changed.* SEC. 2. That the plat of Oakland cemetery heretofore made, dividing said cemetery into blocks and lots as designated and numbered therein, having been approved by the city council and ordered recorded in the recorder's office in Jackson county, Illinois, shall be and remain the lawful plat of said Oakland cemetery, and shall not be changed except by order of the city council.

80 *Committee to Manage.* SEC. 3. The committee on cemeteries of the city council shall consist of four aldermen, one from each ward, and shall have charge, management and control of the said cemeteries and of all affairs connected therewith, and the said committee shall see to it that the grounds belonging to the same are properly cared for and protected, and that all provisions of the law and ordinances relating to cemeteries and all rules for the government thereof are enforced, and they shall supervise and direct the ornamenting, adorning, embellishing and improving of the grounds thereof and the avenues, walks and squares therein.

81 *Sexton—Appointment Of—Duties.* SEC. 4. The mayor, by and with the advice of the city council, shall appoint some suitable person who shall be a resident of the city to act as sexton of cemeteries, who shall hold his office during the remainder of the municipal year in which he was appointed, unless sooner removed by the mayor and city council. The sexton shall, under the direction of the committee on cemeteries, have charge of the cemeteries and shall keep and preserve in good order and repair the grounds, buildings, avenues, walks and fences thereof, and shall also see that all ordinances relating to and all rules and regulations for the government of said cemeteries are enforced. Before assuming the duties of his office as city sexton he shall take the same oath as is required of other city officers and shall give bond conditioned for the faithful discharge of the duties of his office, payable to the city of Carbondale, with surety, to be approved by the city council, in the sum of five hundred dollars.

82 *Application for Lots—How Sold.* SEC. 5. All applications for the purchase of cemetery lot or block shall be made to the city clerk, who shall give to the person applying an order to the city treasurer to receive the price of the lot or block, describing the same, and such applicant shall thereupon present such order to the treasurer and pay him the amount therein specified, and upon receipt of such amount the city treasurer shall endorse upon such order a memorandum of his receipt of the same, whereupon such applicant shall return the order with such endorsement to the city clerk, and upon such return the mayor and city clerk shall execute and deliver to such applicant a deed under the corporate seal of the city for such lot or block.

83 *Cemetery Fund—How Expended, Etc.* SEC. 6. A cemetery fund is hereby created and established, and the city treasurer is required to keep a separate account thereof and enter to the credit of the same, from time to time, as required by him, all moneys received from the sale of cemetery lots and blocks, all donations and all appropriations from the city treasury for cemetery purposes or otherwise, and such moneys shall be appropriated and used only for the care of and for improving, ornamenting and beautifying the cemetery grounds: *Provided*, the cemetery committee shall not expend the cemetery fund in advance of the receipts thereof, nor incur any debts on account of said cemetery without the consent of the city council.

84 *City Clerk to Keep Record, Etc.* SEC. 7. The city clerk shall keep and preserve in his office the plats of the cemeteries, and also a record in numerical order of the lots and blocks in said cemeteries, with the price at which each is for sale, and when any lot or block is sold the city clerk shall make an entry opposite the number of the lot or block on the record of the name of the purchaser, the amount sold for and the date of the sale, and shall also designate the lot or block sold by coloring the same on the plat.

85 *Burial Permit Required—How Issued—Contents.*

SEC. 8. Any person desiring to make an interment in any cemetery within the city shall apply to the city clerk for permission so to do, and upon payment of the sexton's fees and the sum charged the city clerk shall deliver to the applicant a certificate to the sexton stating the name of the deceased and the number of the lot or block in which the deceased is to be interred, and shall make an entry in a suitable book of the name of the deceased, the date of death, the disease, cause or manner of death, and sex and color of deceased, and if the deceased shall be a stranger or pauper without means and no person chargeable with the interment or liable therefor, the clerk's certificate shall so state.

86 *Sexton to Require Permit—Penalty—Certificates*

Returned. SEC. 9. The sexton shall make no interment without the delivery of the certificate of the clerk to him nor in any other lot than is named therein, under a penalty for so doing of five dollars for each offense. The sexton shall, on the first Monday of each month, return to the city clerk all the certificates received by him during the preceding month, and they shall be compared with the entries on the clerk's books to see if they correspond thereto.

87 *Sexton's and Clerk's Fees.* SEC. 10. The city clerk shall receive for each burial certificate the sum of fifty cents, and the city sexton shall receive for digging each grave and attending to the interment of the body therein of the age of fifteen years or over, three dollars; under the age of fifteen, two dollars; to be paid when the burial certificate is issued.

88 *Fee for Single Grave—When and to Whom Paid.*

SEC. 11. The price established by the cemetery committee to be paid for a single grave in that part of the cemetery set apart for the burial of the inhabitants of the city not having private lots shall be paid to the sexton in the same manner as in case of other graves, and the fees shall be the same as above given.

89 *Interments Prohibited Where—Proviso—Penalty.*

SEC. 12. It shall be unlawful to make any interment, or bury the dead body of any person, at any place within the city limits, or within one-half mile thereof, except in said Oakland cemetery: *Provided*, that the owners of lots in said old (Woodland) cemetery not already occupied may make interments, or bury the dead bodies of the members of their own families in such lots; and whoever shall violate any provision of this section shall, on conviction, be fined not less than twenty-five nor more than two hundred dollars for each and every offense.

90 *Injury to Monument, Etc—Penalty.* SEC. 13.

Whoever shall remove or carry away, or wilfully, maliciously or negligently break, deface, destroy or otherwise injure any monument, tombstone, tree, shrub, plant, vase, paling, fence, gate, or any other property, article or thing belonging to, or placed or erected in, any cemetery within, or under the control of, the city council of this city, or shall pluck any flowers therein, or trespass upon or maltreat any grave therein, or shall violate any of the established rules or regulations for the government thereof, shall, on conviction, be fined not less than five nor more than two hundred dollars for each and every offense; and shall also be liable, in a separate suit, for the costs and expenses of repairing the injury so done.

91 *Hunting, Etc., in Cemeteries Prohibited—Penalty.*

SEC. 14. Whoever shall hunt, discharge firearms, set off or explode fireworks, except as a part of any burial or other service, or shall otherwise trespass upon any cemetery or burying ground, within this city, or within or under the jurisdiction of the city council thereof, shall, on conviction, be fined not less than ten nor more than one hundred dollars for each and every offense.

CHAPTER VII.

CITY COUNCIL.

92. *Regular Meeting—Time Of.* SECTION 1. The regular meeting of the city council shall be held on the first Tuesday of each month at 7:30 p. m.

Time and place of meeting must be fixed by ordinance. R. S. Chapter 24, Section 9.

Powers of city council. R. S. Chapter 24, Article V, Section 1.

City council—how composed. R. S. Chapter 24, Article III, Section 1.

Number aldermen, qualifications, length of term, vacancies, etc. R. S. Chapter 24, Article III, Sections 2, 3, 4, 5.

When mayor may give casting vote. R. S. Chapter 24, Article II, Section 6. *Carrolton vs. Clark*, 21 Ill. App. 74.

93 *Special Meetings—Where Held—Time Of.* SEC. 2. Special meetings of the city council shall be held at the same place as may be fixed for the holding of regular meetings, and on such day and at such hour as may be designated in the notice hereinafter provided for calling the same: *Provided*, if no hour be named in such notice, then such special meeting shall be held at the hour fixed for the holding of regular meetings.

94 *Special Meetings—Order For—Notices.* SEC. 3. When special meetings of the city council are called by the mayor, an order therefor, signed by him, shall be filed with the city clerk, and when special meetings of the city council are called by four or other number of aldermen, as may be by law provided, an order therefor, in writing, signed by such aldermen, shall be filed with the city clerk, which order shall, in either case, state the time when such special meeting shall convene and the purpose for which it was called. When an

order calling a special meeting as above provided has been filed with the city clerk he shall immediately send to all the members of the city council notices, in writing, signed by him, which notices shall state the time fixed for the convening of such special meeting and the purpose for which it is called.

Who may call special meeting. R. S. Chapter 24, Article III, Section 17.

Council may prescribe manner of calling the same. R. S. Chapter 24, Article III, Section 9.

Reconsidering or rescinding vote at special meeting. R. S. Chapter 24, Article III, Section 14.

85. *Quorum—Failing to Attend, Etc.—Penalty.* SEC. 4. A majority of the aldermen-elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel absentees to attend any regular or special meeting by a written citation to that effect, stating the day and hour of said meeting, such citation to be signed by the mayor or aldermen issuing the same, and may be served by the day marshal or any officer authorized to serve process within the city, by reading the same to such absentees. Any alderman wilfully refusing to obey such citation shall forfeit five dollars, to be deducted out of his salary, and upon repeated refusal to obey such citation such alderman may be expelled and his office declared vacant.

Concerning quorum and compelling attendance. R. S. Chapter 24, Article III, Section 8.

96 *Votes by "Yeas" and "Nays"—Call of Roll.* SEC. 5. All votes in the city council upon which the yeas and nays are required by law or the ordinances of the city to be recorded shall be taken upon a call of the roll of aldermen by the city clerk, each alderman answering yea or nay, as he may vote.

When yeas and nays must be called. R. S. Chapter 24, Article III, Section 13.

What is sufficient record of yeas and nays. Barr vs. Village of Auburn, 89 Ill. 361.

97 *Report Laid Over—What to Be Done.* SEC. 6. When any report of any committee is deferred or laid over from one meeting of the city council to another upon the written request of any two aldermen, such request shall be entered on the journal of the city council, with the names of the aldermen making the same.

When report must be laid over. R. S. Chapter 24, Article III, Section 15.

98 *Committees—What, and How Composed—Duties Of.* SEC. 7. The standing committees of the city council shall be: A street committee, a finance committee, an ordinance committee, a police and jail committee, a cemetery committee. Each committee shall consist of four members, one from each ward.

(1.) The street committee shall have charge of the streets, alleys, avenues and public grounds of the city, of sidewalks and crossings, and see to it that the ordinances of the city council relating thereto are faithfully executed and carried out. It shall have charge of all sewers, electric lights and water works of the city, and all works for draining the city; shall carefully observe the situation and operation of the same, and shall discharge such other duties as may be imposed on it by the city council.

(2.) The finance committee shall have the general charge of the finances of the city, shall examine all bills and claims against the city referred to it, and shall report upon the correctness of the same, and no bill or claim, except salaries of officers fixed by ordinance, shall be paid without such reference and report thereon; and when the committee shall think proper, shall recommend such measures as shall tend to relieve the city from financial embarrassment and keep its financial affairs in a healthful and sound condition, and shall perform such other duties as may be required by the city council.

(3.) The ordinance committee shall examine into and report upon all questions touching the enactment, amendment and repeal of ordinances.

(4.) The police and jail committee shall have charge of all police matters and of the city jail building; shall, from time to time, visit and examine into the condition of the city jail and the prisoners therein, and report the same to the city council; shall also constitute a committee on miscellaneous affairs, to whom all matters not referred to some standing or special committee shall be referred.

(5.) For duties of committee on cemeteries, see chapter of this ordinance on cemeteries.

99 *Standing Committees — Appointment Of, Etc.* SEC. 8. All standing committees shall be appointed by the mayor, subject to the approval of the city council, at the first meeting of the new council after each and every annual election: *Provided*, nothing in this chapter contained shall prevent the creation or appointment of such other standing or special committees as the city council may from time to time deem expedient or necessary.

100 *Offering Bribe to Councilmen—Penalty.* SEC. 9. Any person who shall give, promise or offer to give, or furnish to be given, offered or promised, any money or valuable thing, or any favor or promise thereof, to any member of the city council as a consideration or inducement to vote for or against, or as compensation for having voted for or against, any question, proposition, ordinance, resolution, order, appointment or motion pending in or to be determined by, or to be brought for determination before, the city council, upon which a vote may be or may have been required, shall, on conviction, be fined not less than fifty nor more than two hundred dollars.

R. S. Chapter 24, Article VI, Section 79.

R. S. Chapter 38, Sections 31-35.

101 *Councilmen Accepting—Penalty.* SEC. 10. Any member of the city council who shall accept or receive any money or other valuable thing, or any promise

thereof, or any favor or any promise of favor, as a consideration or inducement to vote for or against any question, proposition, ordinance, resolution, order, appointment or motion pending in and to be determined by, or having been determined by, or to be brought for determination before, the city council, upon which a vote may be or may have been required, shall, on conviction, be fined not less than fifty nor more than two hundred dollars.

R. S. Chapter 24, Article VI, Section 79.

R. S. Chapter 38, Sections 31-35.

CHAPTER VIII.

CITY OFFICERS—THEIR DUTIES AND OFFICIAL BONDS.

102 *What Officers Provided For.* SECTION 1. That the officers of this city (in addition to the mayor and aldermen) shall be a city clerk, city treasurer, city attorney and one police magistrate. A day marshal, a night marshal, street commissioner, city jailer, sexton and other officers may be appointed by the mayor, by and with the advice and consent of a majority vote of all the aldermen authorized by law to be elected; such vote to be taken by the yeas and nays and entered of record.

What officers council may provide for. R. S. Chapter 24, Article VI, Section 2.

Concerning police magistrate. See R. S. Chapter 24, Article XI; Ill. Const. Article II, Section 21.

Appointment and removal of officers. See R. S. Chapter 24, Section 192, clause 240, mayor's bill.

103 *To Take Oath and Give Bond—Form Of.* SEC. 2. Every officer of said city shall, before entering upon the duties of his office, take and subscribe the oath prescribed by law, and when so required by law or ordinance shall execute a bond, with security to be approved by the city council, payable to the city of Carbondale, and conditioned for the faithful discharge of the duties of his office, and that he will, at the expiration of his term of office, or upon his resignation or removal from office, account for, pay over and deliver to his successor in office, or to the person legally appointed to receive, all money, books, papers and everything pertaining to his office, which bond shall be substantially in the following form:

Know All Men by these Presents, That we..... as principal, and.....and.....as sureties, are held and firmly bound unto the city of Carbondale in the penal sum of.....dollars lawful money of the United States, for the payment of which we bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by these presents.

Sealed with our seals and dated this.....day ofA. D. 19..

The condition of the above obligation is such that, whereas, the above bounden.....was, on theday of.....A. D. 19..duly elected (or appointed, as the case may be), to the office of..... of the city of Carbondale. Now, if the said..... shall well, truly and faithfully discharge and perform the duties of the said office, and shall, at the expiration of his term of office, surrender the said office and pay over all money in his hands by him held by virtue of said office, and deliver all books, papers, furniture and appurtenances of said office to his legally qualified successor, or in case of his removal from said office or resignation thereof before the expiration of his term of office, shall surrender the same and all the appurtenances thereof to the person appointed to receive the same, then this obligation shall be void; otherwise to remain in full force and effect.

Signed, sealed and delivered the day and year above written.

[SEAL.]
[SEAL.]
[SEAL.]

And, unless otherwise provided by law or ordinance, the amount of the official bond of the respective officers of the city shall be as follows:

Of the mayor.....	\$3,000 00
Of the city clerk.....	1,000 00
Of the city treasurer at not less than the amount of the estimated tax and special assessments for the current year.	
Of the city attorney	\$1,000 00
Of day marshal.....	2,000 00
Of night marshal	2,000 00
Of street commissioner	1,000 00
Of city jailer	500 00
Of city sexton.....	500 00

Authorized by statute. R. S. Chapter 24, Article VI, Section 4.

104 *Oath of Office—Where Filed.* SEC. 3. The oath of office shall, in all cases, be administered by the city clerk, except his own oath, which shall be administered by the mayor. Such oaths of office shall be in writing and filed in the office of the city clerk.

See note last section.

105 *Who Eligible to Office.* SEC. 4. No person shall be eligible to any office who is not a qualified elector of the city and who shall not have resided therein at least one year next preceding his election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation.

R. S. Chapter 24, Article VI, Section 6.

106 *Officer Not to Be Interested in Contract.* SEC. 5. No officer shall be, directly or indirectly, interested in any contract, work or business of said city, or the sale of any article the expense, price or consideration of

which is paid from the treasury or by any assessment levied by any act or ordinance, nor in the purchase of any real estate or other property belonging to the corporation or which may be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.

R. S. Chapter 24, Article VI, Section 7.

107 *Other Office, Officers Not to Hold.* SEC. 6. No mayor, alderman, city clerk or treasurer shall hold any other office under the city government during his term of office.

R. S. Chapter 24, Article VI, Section 9.

108 *Officers to Be Conservators of Peace.* SEC. 7. The mayor, aldermen, city marshal and all policemen and watchmen of said city shall be conservators of the peace, and as such shall exercise the power conferred on them under section 83, chapter 24, R. S. 1874.

109 *Constable and Sheriff—Jurisdiction.* SEC. 8. Any constable or sheriff of Jackson county, Illinois, may serve any process or make any arrest authorized to be made by any city officer.

R. S. Chapter 24, Article V, Section 9.

110 *Officers to Be Commissioned—What Form Of.* SEC. 9. All city officers, except the mayor, aldermen and city clerk, shall be commissioned by warrant under the corporate seal, which commissions shall be signed by the mayor and city clerk and issued by the city clerk, and may be in the following form:

STATE OF ILLINOIS,	}	SS.
COUNTY OF JACKSON,		
CITY OF CARBONDALE.		

To All to Whom These Presents Shall Come, Greeting:

Ynow ye, that,.....having been duly elected (or appointed, as the case may be,) to the office ofof the City of Carbondale, I,.....Mayor of

said city, for and in behalf of the people thereof, do hereby commission him.....in and for said said city, to have and possess said office, with all the rights, powers and emoluments incident thereto, and with authority to execute all the duties thereof, according to law and ordinance, until his successor shall be duly chosen and qualified.

In testimony whereof, I have hereunto set my hand and caused the corporate seal of said city to be affixed, this..... day of, A. D. nineteen hundred and.....

By the Mayor. Mayor.
..... City Clerk.

The mayor shall issue a certificate of election to the city clerk, under the seal of the corporation, and the city clerk shall so issue certificates of election to the mayor and each alderman.

Authority to commission. R. S. Chapter 24, Article VI, Section 5.

111 *Oath of Office—Form Of.* SEC. 10. Every officer, whether elected or appointed, shall, before entering upon the duties of office, take and subscribe an oath or affirmation, which may be substantially in the following form, viz:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Illinois, and will faithfully discharge the duties of the office of..... of the City of Carbondale, Illinois, according to the best of my ability.”

112 *Officers Not to Be Sureties for Each Other.* SEC. 11. No member of the city council, and no person holding any office in this city, shall become surety on the official bond of any other officer of this city.

113 *Appointive Officer—When Absent.* SEC. 12. No appointive officer shall be absent from the city without king consent, which may be given by the mayor.

114 *Account of Moneys Received.* SEC. 13. All officers collecting any moneys belonging to the city shall immediately pay over the same to the treasurer, and shall at the first regular meeting in each month present a full, itemized and true statement of all amounts received during the preceding calendar month, attaching thereto a duplicate receipt of the treasurer. Any officer failing to so turn over any funds collected by him, or failing to make an account as above required, unless prevented through sickness or some other good reason, shall be subject to a fine of not less than ten dollars nor more than one hundred dollars.

115 *Records.* SEC. 14. All records, books, papers and files pertaining to any city office shall at all reasonable times be subject to inspection by other city officers, and by all persons interested therein, and all officers shall, when requested, give all information in their power to the mayor, council, attorney, or any officer or department of the city government. And any city officer refusing to allow inspection of his records under the provisions of this section shall be fined not less than ten dollars nor more than one hundred dollars.

116 *Resignations—Where Filed.* SEC. 15. When any officer shall desire to resign his office, his resignation shall be in writing, addressed to the city council, and filed with the city clerk at least twenty days before its taking effect.

117 *Officers Exempt From Street Labor.* SEC. 16. The mayor, aldermen, city clerk, city attorney, city treasurer, city marshal, members of the fire department and all other city officers shall be exempt from labor on the streets and alleys of the city.

R. S. Chapter 24, Article V, Section 10.

118 *Elective Officers—When to Assume Office.* SEC. 17. All elective officers of this city shall assume and enter upon the discharge of the duties of their respective offices at the first regular council meeting on the

first Tuesday of May next after their election, except in case of officers elected to fill vacancies, who shall assume and enter upon the discharge of the duties of their offices as soon as qualified; and all officers appointed by the mayor and city council shall assume and enter upon the discharge of the duties of their offices at such time, not exceeding ten days from the date of their appointment, as may be fixed by the order of appointment.

119 *Misconduct—Failure to Deliver Books—Penalty.*
SEC. 18. Any officer of the city who shall wilfully fail, neglect or refuse to surrender his office or deliver to his successor any money, books, papers, stationery or furniture pertaining to the office for more than five days after demand made by a legally qualified successor, or, in case of his removal or resignation before the expiration of his term, to the person legally appointed to receive the same, shall forfeit and pay not less than twenty-five nor more than two hundred dollars, to be recovered in an action, in the name of the city, directly against him or on his official bond; and every person holding an office in and by the authority of the city shall be liable on his official bond for the value of anything pertaining to the office lost while he shall hold or have charge of the same.

R. S. Chapter 24, Article II, Section 14.

120 *Vacancy in Office of Police Magistrate—How Filled.* SEC. 19. Whenever any vacancy shall occur in the office of police magistrate in the city, by the death, removal or inability to serve of the person elected to that office, the city council shall forthwith order an election to fill such vacancy: *Provided*, the unexpired portion of the term during which such vacancy occurred shall equal or exceed one year, but if such unexpired portion of such term be less than one year, then the mayor, by and with the advice and consent of the city council, shall fill such vacancy by appointment.

R. S. Chapter 24, Article VI, Section 3.

State Const. Article VI, Section 32.

121 *Falsely Pretending to Be Officer, Etc.—Penalty.* SEC. 20. Whoever shall, in this city, falsely represent himself to be an officer of the city, or shall, without being duly authorized by the city, exercise or attempt to exercise any of the duties, functions or powers of a city officer, or shall hinder, obstruct, resist or otherwise interfere with any city officer in the discharge of the duties of his office, or shall attempt to prevent any such officer from arresting any person, either by force or by giving notice to such person, or shall attempt to rescue from such officer any person in his custody, shall, on conviction, be fined not less than twenty-five nor more than two hundred dollars.

Criminal Code, R. S. 38, Section 102.

122 *Refusing to Join Posse—Penalty.* SEC. 21. Every male person in the city above the age of eighteen years who shall refuse to join the *posse* of any city marshal, or any other officer or person constituted by law a peace officer, or conservator of the peace of the city, to assist in arresting any person against whom there may have been issued any civil or criminal process for the arrest of such person, or to assist in arresting any person who may have escaped after having been arrested, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, or in preventing or suppressing any riot, rout, affray or disturbance of the peace, after having been lawfully requested by such peace officer or conservator of the peace to join in such *posse*, or to assist in any such arrest, or in preventing or suppressing any such riot, rout, affray or disturbance of the peace, shall, on conviction, be fined not less than three nor more than twenty-five dollars.

Criminal Code, R. S. Chapter 38, Section 341.

MAYOR.

123 *Qualifications Of.* SEC. 22. The mayor shall be a citizen of the United States, a qualified elector,

reside within the city limits, hold his office for two years, and until his successor is elected and qualified.

R. S. Chapter 24, Article II, Section 1.

124 *Vacancy—How Filled.* SEC. 23. Whenever a vacancy shall occur in the office of mayor, when the unexpired term is more than one year from the date when vacancy occurs, such vacancy shall be filled by an election. If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of mayor until the next annual election and until his successor is elected and qualified. If the mayor at any time during the term of his office removes from the city his office shall thereby become vacant.

R. S. Chapter 24, Article II, Sections 3-5.

125 *Mayor Pro Tem.—When and How Provided For.* SEC. 24. During a temporary absence or disability of the mayor the city council shall elect one of its number to act as mayor *pro tem.*, who, during such absence or disability, shall possess the powers of mayor.

R. S. Chapter 24, Article II, Section 4.

126 *Mayor to Preside—When to Vote.* SEC. 25. The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the deciding vote.

R. S. Chapter 24, Article II, Section 6.

127 *Mayor to Remove Appointive Officer—When.* SEC. 26. The mayor shall have power to remove any officer appointed by him on any formal charge whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the city council at its next regular meeting.

R. S. Chapter 24, Article II, Section 7.

128 *May Release Prisoner—Reasons.* SEC. 27. He may release any person imprisoned for violation of any

ordinance, and shall report such release, together with the reason therefor, to the city council at its first session thereafter.

R. S. Chapter 24, Article II, Section 9.

129 *Other Duties.* SEC. 28. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

R. S. Chapter 24, Article II, Section 10.

CITY CLERK.

130 *Clerk—Duties Of.* SEC. 29. The city clerk shall attend at every meeting of the city council, and shall keep a correct record of all proceedings of the same; he shall keep the corporate seal, and use it in all cases where necessary whenever applied to for that purpose; he shall notify all committees appointed by the city council of their appointment and of the business referred to them; he shall notify all judges and clerks of election of their appointment; shall issue all license; shall keep all papers pertaining to his office; shall record in a well bound book all ordinances of said city, and have all ordinances published as required by law; he shall not suffer any record, paper or other instrument in writing in his possession as such clerk to be taken from his office by any other person than himself or some city officer entitled thereto; and, if through his carelessness or negligence any paper, record or other city property entrusted to his care be lost or damaged, he shall, on conviction, be fined not less than three nor more than one hundred dollars, and shall be liable on his bond for all loss or damage resulting to the city therefrom; he shall attest all deeds and leases and contracts made by the council, and, together with the mayor, sign all ordinances, bonds, license and orders on the city treasurer, and affix the seal of the city thereto, and perform such other duties as may be required by the city council.

R. S. Chapter 24, Article VI, Sections 10-11.

CITY TREASURER.

131 *Treasurer—Duties Of.* SEC. 30. The city treasurer shall receive all moneys belonging to said city, and shall keep his books and accounts in such shape as to exhibit at all times the true financial condition of the corporation, and such books and accounts shall always be subject to inspection of any member of the city council; he shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto, and he shall give every person paying money into the treasury duplicate receipts therefor.

R. S. Chapter 24, Article VII, Sections 5-6-7.

132 *Report Of—What to Show, Etc.* SEC. 31. The city treasurer shall at each regular monthly meeting render an account, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury unexpended belonging to the several appropriations; he shall accompany such account with a statement of all moneys received into the treasury and on what account, together with all warrants redeemed and paid by him, which said warrants, with any and all vouchers held by him, shall be delivered to the city clerk and filed with his said account in the city clerk's office; all warrants paid by him shall be stamped or marked "paid;" he shall keep a register of all warrants paid and redeemed, which shall describe such warrants and show the date, amount, number, the fund from which paid and the name of the person to whom and when paid.

R. S. Chapter 24, Article VII, Section 8.

133 *Annual Report—What to Show.* SEC. 32. The city treasurer shall report to the city council as often as required a full and detailed account of all receipts and expenditures of the corporation as shown by his books up to the time of making said report, and he shall annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his trans-

actions as such treasurer during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year, which account the clerk shall immediately cause to be published in a newspaper printed in said city.

R. S. Chapter 24, Article VII, Section 10.

134 *Warrants—By Whom Signed and Issued.* SEC. 33. All warrants drawn upon the city treasury shall be stamped with the seal of the city, be signed by the mayor and countersigned by the clerk, and shall state upon their face the date, when allowed, for what, and to what particular fund or appropriation they are chargeable, and to whom payable.

R. S. Chapter 24, Article VII, Section 11.

135 *Penalty.* SEC. 34. For any failure of the city treasurer to comply with the provisions of sections ³²~~31~~, ³³~~32~~ and ³⁴~~33~~ of this chapter he shall, on conviction, be fined not less than ten nor more than two hundred dollars.

CITY ATTORNEY.

136 *Duties—Qualifications and Authority Of.* SEC. 35. The city attorney shall be a regularly licensed attorney in the courts of the State, and shall prosecute or defend, in behalf of the city, all suits and actions originating and pending in any court of this State to which the city is a party, whether for violation of the ordinances or otherwise, or in which the interests of the city are in anywise affected, or in which the official acts of any of the officers, agents or servants of the city are involved: *Provided*, it is the duty of the police magistrate and every justice of the peace to see that the city attorney is notified of every case before them in which the city, or any officer thereof in his official capacity, is a party or in any manner interested.

137 *To Advise City Council.* SEC. 36. The city attorney shall advise the city council, or its committees

or any city officers, on such legal questions as may arise in relation to the business of the city, and it shall be his duty to draw all ordinances, bonds, contracts, or other papers which may come up for passage or action upon by the city or its officers or committees; he shall report to the city council all cases in which he shall deem it expedient to take an appeal or writ of error on behalf of the city; he shall keep an account book showing all claims placed in his hands for collection, all moneys received by him on account of the city, and all payments to the city treasurer; also to see that all judgments in favor of the city are properly and promptly enforced by execution or other proper final process; he shall personally attend any meeting of the city council when required by the mayor, city council or any of its committees so to do. The city clerk shall deliver to him any bond or necessary paper to be used in any suit or proceeding, taking his receipt for the same.

138 *Absence—What to Do.* SEC. 37. The city attorney may, in case of temporary absence or otherwise being unable to attend to the duties of his office, with approval of the mayor, appoint some competent attorney to act in his place, who, when acting, shall be entitled to all the emoluments and fees.

139 *May Dismiss Suits—When.* SEC. 38. He may dismiss any suit instituted by or in behalf of the city whenever he shall be of opinion that the evidence is not sufficient to sustain the same; and it shall be his duty in all cases where he is engaged to see, so far as may be in his power, that justice be done to the city.

CITY MARSHAL.

140 *Day Marshal—Duties Of.* SEC. 39. It is the duty of the day marshal to patrol the streets of the city from 6 o'clock a. m. till 6 o'clock p. m. of each day; preserve order while on duty; arrest all persons by him found committing any crime or violating any ordinance of

the city; exercise proper care for the preservation of property and the prevention of fires and conflagrations; promptly give the alarm of fire when necessary, and perform such other duties as may, by law or ordinance, be required of him. He shall be the general police officer of the city; shall attend to the service and execution of all writs and papers issued by the police magistrate or any justice of the peace in suits arising under the ordinances for violations of the same while he is on duty; except in cases where he may be of kin to the party charged, or prejudiced against the complaining witness, or for other good cause, the execution of such writs and papers shall be given to some other officer. Under the direction of the city council and its committee on streets, he shall have charge of the improvement, construction and repair, and also general superintendence and care, of all streets, alleys, public ways, sidewalks, crosswalks and crossings within the limits of the city, and it is his duty to see that all such streets, alleys, public ways, sidewalks, crosswalks and crossings are kept in good repair, except when there is a regularly appointed and commissioned street commissioner serving. The day marshal shall perform such other and further duties as may from time to time be by law or ordinance required of him; he shall at all times while on duty wear some badge to indicate his official character; he shall keep all sidewalks in the city clear and free from obstruction, and shall remove, or cause to be removed or abated, all nuisances from within the city limits; and for the purpose of executing the duties of his office he shall possess the power and authority of a constable at common law and under the statutes of Illinois.

Duties and power of marshal. R. S. Chapter 24, Article VI, Section 2.

NIGHT MARSHAL.

141. *Night Marshal—Duties Of.* SEC. 40. It is the duty of the night policeman to patrol the streets of the city from 6 o'clock p. m. till 6 o'clock a. m. of each day;

preserve order while on duty; arrest all persons by him found committing any crime or violating any ordinance of the city; see that all business houses, shops, offices and other business places are closed and fastened after business hours; exercise proper care for the preservation of property and the prevention of fires and conflagrations; promptly give the alarm of fire when necessary, and perform such other duties as may by law or ordinance be required of him. He shall be a general police officer of the city; shall attend to the service and execution of all writs and papers issued by the police magistrate or any justice of the peace in suits arising under the ordinances for violations of the same while he is on duty, except in cases where he may be of kin to the party charged or prejudiced against, the complaining witness, or for other good cause, the execution of such writs and papers shall be given to some other officer. He shall keep a careful account of all street lights that are out of repair or fail to burn and report the same, in detail, to the city council monthly. He shall perform such other and further duties as may from time to time be by law or ordinance required of him; he shall at all times while on duty wear some badge to indicate his official character; he shall while on duty keep all sidewalks in the city clear and free from obstruction, and shall remove, or cause to be removed or abated, all nuisances within the city limits; and for the purpose of executing the duties of his office he shall possess the power and authority of a constable at common law and under the statutes of Illinois.

See note to Sec. 40 above.

STREET COMMISSIONER.

142. *Street Commissioner—Duties Of.* SEC. 41. The street commissioner shall, under direction of the city council and its committee on streets, have charge of the improvement, construction and repair, and also general superintendence and care, of all streets, alleys, public ways, sidewalks, crosswalks and crossings within the limits of the city, and it is his duty to see that all such

streets, alleys, public ways, sidewalks, crosswalks and crossings are kept in good repair; and for any neglect, failure or refusal so to do he, and the sureties upon his official bond, shall be liable and be required to reimburse and make good to the city any sum or sums of money recovered against or from the city in any suit or action for damages for injuries in consequence of such failure, neglect or refusal, together with all costs of action and for all sums paid by the city as attorneys' fees in and about the defense of such action or actions.

When officer provided for only by law council has full control over him. Dillon on Munic. Corp., Section 212.

R. S. Chapter 24, Article V, Section 1, Clause 71.

R. S. Chapter 24, Article VI, Section 3.

143 *Same—Further Duties—Power Of.* SEC. 42. He shall superintend, oversee and direct all prisoners while laboring upon the streets and alleys of the city in satisfaction of any fines or costs, or either, and is responsible for the custody of all prisoners while on the streets; he shall see to it that all prisoners as are required to work out fines and costs, or either, perform work as may be required by ordinance; and if he refuse or fail so to do, or shall negligently or wilfully suffer the escape of any prisoner while in his custody, he, and the sureties on his official bond, shall be liable for the amount of the fine and costs adjudged against any such prisoner; he shall perform such other duties as may by law or ordinance be required of him. To enable him effectually to discharge the duties herein imposed upon him he is authorized, whenever necessary, to restrain and enforce obedience from any refractory, unruly or vicious prisoner in his custody by attaching to such prisoner a ball or chain or other suitable contrivance, instrument or thing.

Dillon on Munic. Corp., Section 212.

R. S. Chap. 24, Article V, Section 1, Clause 71.

R. S. Chap. 24, Article VI, Section 3.

SEXTON.

144 *Sexton—Duties Of.* SEC. 43. The sexton shall, under the direction of the committee on cemeteries, have charge of the cemeteries, and keep and preserve in good order and repair the grounds, buildings, avenues, walks and fences thereof, and shall also see that all ordinances relating to, and all rules and regulations for the government of, said cemeteries are enforced.

CHAPTER IX.

CITY CONTRACTS.

145 *To be Let to the Lowest Responsible Bidder—When.* SECTION 1. All contracts for the making of any public improvement or public work of any kind whatsoever in the city of Carbondale, to be paid for in whole or in part by special assessment, special taxation or otherwise, shall be let to the lowest responsible bidder therefor in the manner hereinafter prescribed, and be approved by the mayor: *Provided*, that any such contract may be entered into by the city clerk, or other proper officer, without advertising for bids, when authorized by a vote of three-fourths of all the aldermen elected to the city council.

In general, city contracts by ordinance or resolution. *Alton vs. Mulledy*, 21 Ill., 76; *Athens vs. Thomas*, 82 Ill., 259.

146 *How to Let — Advertisement — Contents Of.* SEC. 2. Whenever any public improvement or public work of any kind whatsoever shall become necessary within the city, and is ordered by the city council to be done, which by law or ordinances of the city is required to be let by contract to the lowest responsible bidder,

the city clerk shall, under the direction of the city council, unless the city council dispense with the necessity of advertising in such manner as may by law or ordinance be provided, advertise in some newspaper printed in the city, or if there be no such newspaper, then by at least five written or printed notices posted up in public places in different parts of the city, not less than ten nor more than thirty days, for sealed proposals, or bids, for the doing of such work, which advertisements or notices shall contain a description of the character and quantity of the work to be done, with specifications as to the manner of doing the same, a statement of what will be required of bidders, and the time for and during which bids will be received, which time must, in all cases, expire with the day preceding a meeting of the city council, together with such other matters as the city council may deem proper, and the right to reject any and all bids must be reserved in all cases.

Contracts not authorized by law are void. *Miller vs. Goodwin*, 75 Ill., 659; *People vs. Dupuyt*, 71 Ill., 65.

147 *Special Committee on Printing—Duties Of.*
SEC. 3. The mayor shall appoint a special committee of four aldermen, to be designated and known as the printing committee, whose duty it shall be: To have supervision of all printing done for the city; to audit, and approve or reject, bills for same; to designate some newspaper or newspapers in which all advertising for the city shall be done, and make contracts for same; to supervise orders for the furnishing of all stationery, blanks, records, election supplies, and all other printed matter of like character. All bills for printing, supplies, advertising, etc., shall be duly examined by the city clerk, and if found to be correct shall be so endorsed by him and immediately placed in the hands of the printing committee for its consideration. No bills for printing for the city contracted in any other than the foregoing manner shall be allowed by the city council. The said printing committee, when so appointed by the mayor, shall perform the duties above designated until the first regular meeting of the city council in May,

1907; and annually thereafter, at the first regular meeting of the city council in the month of May the mayor shall appoint a new printing committee. Any vacancy or vacancies occurring in the printing committee shall be filled by the mayor at the first regular or special meeting of the city council after any such vacancy or vacancies shall have occurred.

Contract or expenditure not legal without appropriation. R. S. Chapter 24, Article VII, Sections 1, 2, 3.

Officer not to be interested in contract. R. S. Chapter 24, Article VI, Section 7; R. S. Chapter 38, Section 208.

Penalty for an officer exceeding appropriation. R. S. Chapter 38, Section 208.

City council may provide by ordinance for all printing, fuel, supplies, etc., for use of city, to be let by contract to lowest bidder. R. S. Chapter 24, Article V, Section 1, Clause 94.

An ordinance passed and accepted by a city to be affected thereby creates a contract which the city council can not change. *People vs. C. W. D. Ry. Co.*, 18 Ill. App., 127.

148 *Bids—Bond with—Conditions.* SEC. 4. The city council shall not receive nor consider any bids for any such work unless accompanied by a bond executed by the bidder, with security to the satisfaction of the city council, in at least double the amount of the bid, as liquidated damages, payable to the city of Carbondale, conditioned that if such bid is accepted the bidder will, within ten days after the award is made, enter into contract with the city, as specified in the advertisement or notices soliciting bids, and will execute a bond conditioned for the faithful performance of such contract on his part in such sum as may be required by the ordinance providing for the making of the improvement or doing of the work.

149 *Opening Bids—Contract—Bond.* SEC. 5. At the time appointed for the opening of the proposals or bids the city comptroller or clerk, as the case may be, shall, in the presence of the city council, publicly open the proposals or bids, and the contract shall be awarded to the bidder who is the lowest responsible bidder,

and the officer having advertised shall proceed at once, on behalf of the city, under the direction of the city council, to enter into contract with such bidder for the doing of such work, and shall take bond, with security to the satisfaction of the city council, from such bidder in such sum as may be required, not less than double the amount of the estimated cost of such work, conditioned for the faithful performance thereof, and such contract and bond shall thereafter remain in the custody of the city clerk.

150 *Failing to Comply with Bid—Suit—Readvertisement.* SEC. 6. If any bidder to whom a contract is awarded shall fail to enter into contract as herein required, the officer having advertised shall report the fact to the city attorney, who shall institute suit in the name of the city upon his bond, in some court having jurisdiction, to recover the damage therein specified; and the officer having advertised for bids shall, unless otherwise ordered by the city council, forthwith proceed to readvertise for bids in the same manner as before.

151 *Cancelling Contract—Further Proceedings.* SEC. 7. If any contractor for city work shall fail to fulfill his contract, the city council may cancel such contract; and having done so, the city clerk shall notify such contractor thereof in writing, specifying the reasons therefor, and upon such cancelling, or if for any reason the contract for any such work is not awarded or completed, the officer having advertised shall readvertise for bids for the completion of such work, or for another award thereof, as the case may be, in the same manner as hereinbefore provided.

152 *Contracts Without Advertising.* SEC. 8. In case the city council authorize the letting of any city contract without advertising for proposals, or bids, the city clerk or such officer or committee as the city council may designate shall have charge and superintend the letting thereof, and the contract in such case shall be accompanied with the like bond for its faithful performance and be subject to the approval of the city

council and the like authority to cancel, as herein provided concerning contracts in other cases.

153 *Officer not Interested.* SEC. 9. No contract for work for the city shall be let to any officer of the city, nor shall any officer of the city become interested, directly or indirectly, in any such contract, under a penalty of not less than fifty nor more than two hundred dollars.

R. S. Chapter 24, Article VI, Section 7.

R. S. Chapter 38, Section 208.

R. S. Chapter 102, Section 4.

What a violation is under this section. City of Anna vs. O'Callahan, 3 Ill. App., 176.

154 *Preventing Bidding—Penalty.* SEC. 10. Whoever shall give, offer, or promise to give, or furnish to be given, offered, or promised, any money, goods or other valuable thing to any person or persons as a consideration or inducement not to bid, or withhold any bid, or as compensation or reward for not having bid, or having withheld a bid, for a contract for city work, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than two hundred dollars for each and every offense. And whoever shall accept, receive, demand, or request anything by this section forbidden to be given, offered or promised shall, on conviction, suffer a like penalty as is herein prescribed for giving, offering or promising any such thing, and may be removed from office.

155 *Bribing Councilmen to Award—Councilmen Accepting—Penalty.* SEC. 11. Whoever shall give, offer, or promise to give, or furnish to be given, offered or promised, any money, goods or other valuable thing, to any member of the city council as a consideration or inducement to vote to award, or not to award, any city contract to any particular person, corporation, company or firm, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than two hundred dollars. And if any member of the

city council shall accept, receive, demand or request anything by this section forbidden to be given, offered, or promised, he shall, on conviction, forfeit and pay not less than fifty nor more than two hundred dollars, to be recovered in an action in the name of the city against him, and may be removed from office.

CHAPTER X.

CENSUS AND FISCAL YEAR.

156 *Census—When Taken—What Shown By.* SECTION 1. In the year A. D. 1905, and every tenth year thereafter, there shall be taken, at the time of, and in connection with, the taking of the census or enumeration of the persons of school age and for school purposes within and of the city, a census or enumeration of the adult population thereof; and the same shall be so taken as to show the number of persons of each sex, and of every color, nationality and occupation, the number in each ward of the city, and such other facts and statistics, including death rate and mortality statistics, as may be deemed useful or necessary.

Power to provide for taking census.

R. S. Chapter 24, Article V, Section 1, Clause 85.

R. S. Chapter 24, Article X, Section 7.

157 *Fiscal Year—When Begins.* SEC. 2. The fiscal year of the city of Carbondale shall commence upon the first day of April of each year.

Fiscal year. R. S. Chapter 24, Article VII, Section 1.

Municipal year. R. S. Chapter 24, Article X, Section 8.

158 *Municipal year—When Begins.* SEC. 3. The municipal year of the City of Carbondale shall commence upon the first Tuesday of May of each year and shall be construed to include the period elapsing between the regular annual installations of officers.

CHAPTER XI.

DRAYMEN, HACKMEN AND HOTEL RUNNERS.

159 *Draymen and Others to Have License—Amount Required.* SECTION 1. Every person who shall desire to follow or carry on the business of drayman, hackman, omnibus driver, cabman, carter, freighter, teamster or expressman, within the limits of the city, shall, before doing so, obtain a license therefor; and if such license be for the carrying on of such business with any two or more horse wagon, dray, cab, hack or carriage, for the transportation of freight or passengers within the city, he or they shall pay therefor at the rate of \$6.00 per annum, or \$3.00 for six months; and if such license shall be for the carrying on of such business with any one-horse wagon, cart, cab, dray or other vehicle, for the carriage of freight or passengers within the city, he or they shall pay therefor at the rate of \$3.00 per annum, or \$1.50 for six months: *Provided*, that this section shall not apply to any person who shall transport, for hire or otherwise, any passenger or article of merchandise from any place within the city to any place without the same, or from any place with-

out the city to any place within the same; and *provided, further*, that license may be granted under this section for carrying on such business with a one-horse hack for any one or more days upon payment at the rate of \$1.00 per day, and for a two-horse hack upon payment at the rate of \$2.00 per day.

Authority to license draymen, etc. R. S. Chapter 54, Article V, Section 1, Clause 42.

160 *Hotel Runners—License.* SEC. 2. Any person who shall desire to carry on the business of runner for any hotel, eating house or restaurant shall, before doing so, procure a license therefor, and for such license there shall be charged and collected the sum of \$3.00 per annum: *Provided*, said license shall be taken out by the proprietor of such hotel, eating house or restaurant, and they shall have the privilege of being represented by as many runners as they shall pay license for; *provided, further*, that all such agents or runners shall wear a badge showing what hotel, eating house or restaurant they are representing.

Power to regulate. R. S. Chapter 24, Article V, Section 1, Clause 43.

161 *To Display Number of License on Vehicle, Etc.* SEC. 3. Every person to whom a license is issued pursuant to the provisions of this chapter shall keep constantly displayed upon the vehicle used by him, or upon a badge to be constantly worn by him, the number of his license.

162 *Penalty.* SEC. 4. Whoever shall offend against, or shall fail, neglect or refuse to comply with, the provisions of this chapter shall, on conviction, be fined not less than three nor more than one hundred dollars.

CHAPTER XII.

ELECTIONS.

Article I. Elections in Gen-
eral.

Article II. Contesting Elec-
tions.

ARTICLE I.

ELECTIONS IN GENERAL.

163 *Time Of.* SECTION 1. An election shall be held in each ward in this city on the third Tuesday of April in each and every year, unless otherwise provided for by law.

R. S. Chapter 24, Article II, Sections 1-2.

164 *Who May Vote—Where.* SEC. 2. Any person entitled to vote at any general election for State officers in the city is entitled to vote at any city election, and every voter is entitled to cast his vote in the ward where he has his *bona fide* residence at the time of such election, whether he has resided in the ward thirty days preceding such election or not, provided he has resided in the city such thirty days.

Who entitled to vote. R. S. Chapter 24, Article IV, Section 3.

165 *Places for Holding—Judges and Clerks—When Appointed.* SEC. 3. The city council shall designate the places for holding all city elections, and shall appoint three judges and two clerks of election for each voting place so designated by the city council. They

shall be qualified voters in their respective wards and have resided in the city at least one year next preceding such appointment.

Qualifications of judges, etc. R. S. Chapter 46, paragraph 31.

166 *Notice of Appointment—Clerk to Give—Marshal to Serve.* SEC. 4. Within five days after the appointment of judges and clerks of election the city clerk shall prepare notices thereof, in writing, which notices shall be signed and sealed with the corporate seal by the city clerk, and be delivered by him to one of the city marshals, who shall, as soon as practicable, deliver them to the persons appointed. If the city clerk or marshal, or both, shall wilfully fail, neglect or refuse to perform the duties imposed by this section, they shall, each or both, as the case may be, on conviction, be fined not less than three nor more than fifty dollars: *Provided, however,* such failure, neglect or refusal of the city clerk or marshal shall not affect the validity of the appointment.

167 *Election Notice—Clerk to Give—Contents Of—Ballot Boxes.* SEC. 5. At least twenty days prior to any election in the city the clerk shall give notice thereof in some newspaper printed in the city, and by at least three notices posted up in each ward; (if election be not general throughout the city, then notices shall be required only in the ward or wards where such election is to be held), which notices shall state what officers are to be voted for, or what subject is to be voted upon, at such election, and the time and place in each ward when and where such election is to be held. The city clerk shall also procure, at the expense of the city, suitable ballot boxes for each ward and deliver the same to the judges of election previous to any election, and the judges shall return the same, with the election returns, after each election, to the city clerk.

City elections conform to general laws. R. S. Chapter 24, Article IV, Section 10.

168 *Duties of Judges and Clerks.* SEC. 6. At the time appointed for holding an election the judges and clerks of election in each ward shall assemble at the appointed place and proceed without delay, in the manner provided by law, to hold such election. They shall take the same oath as is, or may be, required of judges and clerks of State and county elections, and shall conduct the said election in all respects, as near as may be, in the manner provided by law for conducting State and county elections. But if, for any reason, any judge or clerk of election shall fail to attend, the judges attending may appoint some competent person or persons to act in his or their stead.

169 *Poll Books—Tally List—Canvass.* SEC. 7. The poll books and tally lists at city elections shall, as near as may be, in all respects be the same as those of State and county elections, and the judges and clerks shall, at the close of the election, canvass the votes cast as is, or may be, required at State and county elections, and shall, within twenty-four hours, return to the city clerk the poll books, tally lists, ballots and ballot boxes, together with a certified statement of the number of votes received by each person for any office.

170 *Fees of Judges and Clerks.* SEC. 8. Judges and clerks of city elections shall receive \$3.00 each for their services in holding such elections.

171 *Misconduct of Judges and Clerks—Penalty.* SEC. 9. If the judges and clerks of city elections shall wilfully fail, neglect or refuse to make return of any election, as required in the preceding section, or shall wilfully make a false, untrue or incorrect return thereof with intent to change the result, or produce a result different from the true result, of such election, they shall, on conviction, be fined not less than fifty nor more than two hundred dollars for each offense.

172. *Election Returns—Clerk to Preserve—Abstract—Result—Notice.* SEC. 10. The city clerk shall carefully

preserve and keep the election returns until the city council shall meet to canvass the same and declare the result, (which meeting of the city council shall be within five days after the election), when he shall publicly open and make an abstract of such returns in the presence of the city council; and when such abstract is made and the result ascertained, the city council shall declare the result of such election, which shall be entered on the journal of the city council, and the city clerk shall, within five days therefrom, give notice to all persons elected to office of their election.

See R. S. Chapter 24, Article IV, Section 12.

173 *Tie—Notice—Determining—Mode Of.* SEC. 11. In case of a tie in the election of any city officer it shall be the duty of the city council to cause to be placed in a box or some convenient place as many ballots as there are persons having an even number of votes, and on only one of the ballots shall be written the name and style of the office voted for; such persons having an equal number of votes shall each draw one ballot, and the person drawing the ballot on which the name and style of the office is written shall be declared elected. In case any such person or persons are absent or refuse to draw a ballot as aforesaid, the mayor shall draw for such person or persons.

See R. S. Chapter 24, Article IV, Section 11.

174 *No Liquor Sold—Nor Saloon Open.* SEC. 12. No spirituous or other intoxicating liquor shall be sold or given away at retail, nor shall any saloon, barroom or place where such liquors are sold, given away or kept, be open upon any general or special election day, within the limits of the city, and whoever violates the provisions of this section shall, on conviction, be fined not less than fifty nor more than two hundred dollars.

175 *Illegal Voting, Etc.—Penalty.* SEC. 13. Whoever unlawfully votes, or attempts to vote, more than once at any city election, or knowing that he is not a

qualified voter wilfully votes at any city election, shall, on conviction, be fined not less than fifty nor more than two hundred dollars.

176 *Bribery—Attempting to Bribe, Etc.* SEC. 14. Whoever wilfully aids or abets any person to vote at any city election who is not a qualified voter, knowing him to be such, or whoever by threats, violence, intimidation, money, promise of money, favor or promise of favor, endeavors to procure or influence any legally qualified voter in a particular manner, or for any particular person, contrary to the wishes and intents of such voter, or whoever by giving or offering to give a bribe, by threats, violence or intimidation endeavors to influence a legally qualified voter contrary to the wishes and intent of such voter, or whoever gives or offers to give to any judge of any city election any valuable thing as a consideration or inducement to do or omit to do some particular thing, or as compensation for having done or omitted to do anything in violation of his official duty, shall, on conviction, be fined not less than fifty nor more than two hundred dollars for each offense.

177 *Accepting Bribe—Penalty.* SEC. 15. Whoever accepts, receives, requests or demands anything forbidden by the foregoing sections to be given or offered shall, on conviction, be fined not less than fifty nor more than two hundred dollars.

178. *Contesting Elections—Election Void.* SEC. 16. The election of any person declared elected to any office of the city, except persons elected members of the city council, may be contested by any elector of the city in the manner provided in the general laws of the State of Illinois for conducting contested elections in the matter of county officers. Whenever, as the result of any contested election, or from any other cause, an election is declared void, the city council shall immediately order a new election.

179 *Betting on Result—Penalty.* SEC. 17. Whoever bets or wagers any money or other valuable on the result of any city election; on the number of votes any particular person or candidate will receive; or that any person or candidate will be elected, or receive more votes than any other, shall, on conviction, be fined not less than twenty-five nor more than two hundred dollars in each and every such case.

ARTICLE II.

CONTESTING ELECTIONS.

180 *Who May Contest—Where Heard.* SEC. 1. The election of any alderman may be contested by any elector of the city, and the proceedings shall be in the manner hereinafter provided, as nearly as may be. All such contests shall be had before, and be heard and determined by, the city council, and its decision thereof is final.

City council judge of its own members. R. S. Chapter 24, Article VI, Section 6.

Contesting elections of other than aldermen. R. S. Chapter 46, Section 112.

R. S. Chapter 24, Article IV, Section 10.

Brush vs. Lemma, 77 Ill., 496; Linegar vs. Rittenhouse, 94 Ill., 208; Young vs. Adam, 74 Ill., 480.

181 *Statement of Contest to be Filed—Points Stated.* SEC. 2. When any person shall desire to contest the right of another to hold the office of alderman of the city, he shall, within fifteen days after the person whose election is contested is declared elected, file with the city clerk a statement in writing, briefly setting forth

the points on which he will contest such election, which statement shall be verified by the affidavit of the contestant or his agent or attorney.

182 *Statement to be Served—How.* SEC. 3. Upon filing such statement such contestant shall also serve a copy thereof upon the person whose election he intends to contest within five days after such filing, by delivering the same to such person, or causing it to be so delivered, and in case such person is absent from the city, or can not be found therein, then by leaving such copy at his usual place of residence or business with some person above the age of twelve years; and in all cases proof of the service of such copy shall be made by the affidavit of the person serving the same.

183 *Council to Fix Time for Taking Testimony—Testimony How Taken.* SEC. 4. Within five days after the proper affidavit of the service of the copy of petition shall have been filed with the city clerk the city council shall meet and fix the time and place for the taking of depositions in all cases where the testimony of witnesses may be required, or for the hearing of the contest in cases where such testimony is not required. At the time and place appointed for the taking of depositions either party may proceed to take the depositions of all such witnesses as he may desire, the same to be taken in the manner provided by law for the taking of depositions in cases in chancery, and the taking of depositions may be continued from day to day, if necessary, until all the testimony required shall have been taken; *provided*, the taking of all the testimony shall be concluded within fifteen days after the commencement of the taking thereof, and shall be confined to the points specified in the petition as the grounds of contest, and that the contestant shall conclude the taking of his testimony in chief within the first six days, and the contestee shall conclude the taking of his testimony within the second six days, and the contestant shall have the remaining three days within which to take such rebuttal testimony as he shall deem neces-

sary. But the parties may agree upon any other order for the taking of testimony as they shall see fit.

Deposition in chancery cases. R. S. Chapter 51, Sections 24, 30, et seq.

184 *Within What Time Testimony Filed—Hearing by Council.* SEC. 5. All testimony taken in the case shall be filed in the office of the city clerk within three days after the conclusion of the taking of the same, and the city clerk shall, at the next regular meeting of the council thereafter, lay the same before the council, and the council may refer the same to a committee for examination and report thereon, or proceed, without such reference, to hear the case, but shall determine the same without delay, and by a majority vote, upon call of the "yeas" and "nays," declare as elected the person who shall, from the evidence, appear to have been elected; and the city clerk shall enter such decision upon the journal of the council.

185 *Rights of Parties to the Contest.* SEC. 6. In all cases of contested elections the parties to the contest shall have the right to have the package or packages of returns, which have been returned to the city clerk in pursuance of law, opened in the presence of the city council, or a committee thereof, and of the officer having the custody of such returns, and to have said returns examined.

186 *Returns of Elections, Etc., Preserved.* SEC. 7. The city clerk shall carefully preserve all returns of elections, including the ballots cast at such election, for a period of at least six months after having been received by him, and shall not allow the packages containing the returns to be opened or examined by any person, except in pursuance of the preceding section, or of some law of this State; and in cases of contested elections he shall also carefully preserve all depositions and all documents returned to and filed with him, and shall not allow the same to be taken from his office by any person whomsoever, or to be examined or handled by any person except in his presence.

CHAPTER XIII.

FEES AND SALARIES.

ARTICLE I.

187 *Salary of Mayor—Payment.* SECTION 1. The mayor of this city shall receive a salary of two hundred dollars per annum out of the city treasury, payable quarterly.

188 *Aldermen.* SEC. 2. Every alderman shall receive the sum of three dollars out of the city treasury for each regular, and two dollars for any other, meeting of the city council actually and *bona fide* attended by him. The compensation of aldermen shall be payable at the same time as the salary of the mayor.

Authority for paying aldermen. R. S. Chapter 24, Article VI, Section 14.

189 *City Clerk.* SEC. 3. The city clerk shall receive a salary of four hundred dollars per annum, payable monthly, the city furnishing office, fuel, lights, stationery and postage for the use of the office; in addition thereto he shall receive the fees now allowed him by existing ordinances.

190 *City Attorney.* SEC. 4. The city attorney shall be allowed in every case before the police magistrate

or any justice of the peace for the recovery of a penalty for the violation of any ordinance or ordinances of the city, and where judgment is rendered in favor of the city on a plea of guilty or otherwise, an attorney's fee of three dollars, to be allowed, taxed and collected as part of the costs. And in case any suit be taken by appeal to the county or circuit court and there tried by him and judgment rendered in favor of the city, he shall be allowed a conviction fee of ten dollars, which fee shall, in all cases, be allowed, taxed and collected as part of the costs. For written opinions furnished the city council, ordinances drawn by him, written reports in matters referred to him and other legal services required of him by the city council or any of its committees, and for all suits and proceedings in which he shall appear to which the city may be a party, other than hereinbefore specified, and for all other legal services performed by him he shall be allowed fair and reasonable fees.

Compensation of other officers. R. S. Chapter 24, Article VI, Section 15.

Payment of fees and costs. R. S. Chapter 53, Section 40, last clause.

191 *Day Marshal*. SEC. 5. The day marshal shall receive a salary of fifty dollars per month, payable monthly, and in addition he shall receive the fees now allowed him by existing ordinances.

Compensation of other officers. R. S. Chapter 24, Article VI, Section 15.

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Authority for paying aldermen. R. S. Chapter 24, Article VI, Section 14.

189 *City Clerk.* SEC. 3. The city clerk shall receive

To section 189 should be added the following: And he shall also receive the following fees: For issuing saloon license, one dollar; for druggist permit, one dollar; for all other licenses, fifty cents; for burial permit, fifty cents; for cemetery deed, fifty cents; for taking and filing bond, fifty cents; for all official certificates, fifty cents; for administering oaths, fifty cents.

or any justice of the peace for the recovery of a penalty for the violation of any ordinance or ordinances of the city, and where judgment is rendered in favor of the city on a plea of guilty or otherwise, an attorney's fee of three dollars, to be allowed, taxed and collected as part of the costs. And in case any suit be taken by appeal to the county or circuit court and there tried by him and judgment rendered in favor of the city, he shall be allowed a conviction fee of ten dollars, which fee shall, in all cases, be allowed, taxed and collected as part of the costs. For written opinions furnished the city council, ordinances drawn by him, written reports in matters referred to him and other legal services required of him by the city council or any of its committees, and for all suits and proceedings in which he shall appear to which the city may be a party, other than hereinbefore specified, and for all other legal services performed by him he shall be allowed fair and reasonable fees.

Compensation of other officers. R. S. Chapter 24, Article VI, Section 15.

Payment of fees and costs. R. S. Chapter 53, Section 40, last clause.

191 *Day Marshal.* SEC. 5. The day marshal shall receive a salary of fifty dollars per month, payable monthly, and in addition he shall receive the fees now allowed him by existing ordinances.

Compensation of other officers. R. S. Chapter 24, Article VI, Section 15.

192 *Street Commissioner.* SEC. 6. The street commissioner shall receive a salary of fifty dollars per month for each month of actual service rendered.

Compensation of other officers. R. S. Chapter 24, Article VI, Section 15.

193 *City Treasurer.* SEC. 7. The city treasurer shall receive a compensation not to exceed two per cent. upon all moneys received and held by him in his official capacity.

See note to preceding section.

194 *City Jailer.* SEC. 8. The city jailer shall be allowed to demand and receive forty-five cents per day as board for each and every day he furnishes a prisoner or prisoners with good but plain and wholesome food and drink; all of which fees shall be paid by the prisoner; but if such person committed is unable to pay for necessities in the way of food, drink, clothing, etc., the fee thereof shall be paid to the city jailer by the city, but in no event shall other than absolutely necessary supplies be paid for by the city. And the city jailer shall receive any further fees, compensation, allowances or salary as may be provided by law or ordinance.

195 *Night Marshal.* SEC. 9. The night marshal shall receive a salary of fifty dollars per month, and in addition he shall receive the fees now allowed him by existing ordinances.

Compensation of other officers. R. S. Chapter 24, Article VI, Section 15.

196 *Sexton.* SEC. 10. The sexton shall receive for his services such sums and in such manner as may from time to time be, by resolution or order of the council, fixed and determined; but such compensation shall not be increased or diminished during the term for which he may be, or have been, appointed.

197 *How Salaries Paid.* SEC. 11. All salaries of officers of this city, and all fees payable out of the city treasury, shall be paid by warrant or order drawn upon the city treasury.

CHAPTER XIV.

FRANCHISES.

198 *Conditions of Application For—Notice, Etc.*

SECTION 1. No application to the city council for any franchise or special privilege to use the streets, alleys, public ways or other public property of the city for the purpose of maintaining therein or thereupon any horse, dummy, electric, cable, or other railroad, or any telegraph, telephone, electric light or other wire, or to lay any gas pipe, water pipe or other conduit, or any application for a franchise or privilege for any other purpose for which the city council has or may have power or authority to grant a franchise, or privilege, shall hereafter be entertained by the city council, nor shall any such, or any other, franchise or privilege be granted by the city council, unless or until the applicant or applicants for such franchise or privilege shall have given at least twenty days' notice of such application, particularly specifying therein the nature or character of the franchise or privilege to be applied for, the names of every person, company, corporation or firm interested therein, and the date when the application will be made; and such notice must be regularly published in every issue and edition of some newspaper from the date of its first insertion until the date of the application; and the city council shall not grant any such franchise or privilege without requiring the payment by the grantee or beneficiary thereof of a fair and reasonable license, tax or compensation to the city for the exercise of such franchise or privilege.

Franchise defined. Bouv. Law Dic. under "Franchise." Ry. Co. vs. People, 73 Ill., 541.

Legislature can not grant. Constitution, Article IV, Section 22.

CHAPTER XV.

FIRE DEPARTMENT.

Article I. Fire Limits and Build-
ings.

Article II. Fires and Fire Com-
pany.

ARTICLE I.

FIRE LIMITS AND BUILDINGS.

199 *Fire Limits.* SECTION 1. All the territory within the limits of this city embraced and included within the following boundaries shall constitute and be known as the fire limits, to-wit: That territory bounded on the north by Oak street, on the east by Marion street, on the south by Walnut street, on the West by Normal avenue.

Power to prescribe fire limits, R. S. Chapter 24, Article V, Section I, clause 62.

200 *Fire Limits—What Included In.* SEC. 2. On lots numbers 25 and 26; numbers 30 to 37, inclusive; numbers 40 and 41; numbers 131 to 136, inclusive; numbers 146 to 150, inclusive; numbers 153 to 160, inclusive; numbers 162 to 168, inclusive; numbers 138, 5 and 6 of the territory mentioned in section 1, no structure or building of any kind or description shall be erected or constructed unless the outside and party walls thereof shall be composed of brick, stone, iron or other incombustible material; and all buildings which shall or may be erected or constructed within said limits shall have outside walls not less than one foot in thickness, and if

any building shall be more than two stories high above the basement the outside walls of the first story and basement shall not be less than sixteen inches in thickness, and the walls above the first story shall not be less than twelve inches in thickness, and, with the exception of the rear, shall extend at least eighteen inches above the roof; and in the remainder of the territory included within the fire limits, exclusive of the lots enumerated in this section, no building or structure of any kind or description shall be erected or constructed unless the outside and party walls thereof shall be composed of brick, stone, iron or other incombustible material, unless permission so to do shall be given by the city council: *Provided*, that any wooden structure or building not exceeding eight feet square and twelve feet high may be erected within the fire limits.

201 *Repair of Buildings Within.* SEC. 3. No wooden building or part of any wooden building within said fire limits shall be raised or enlarged, nor shall any wooden building or part of any wooden building within the fire limits be removed to any other place within said limits, nor shall any such building be removed into the fire limits, nor shall any wooden building within the fire limits which may become damaged to the extent of fifty per cent. of the value thereof by fire or other casualty be repaired or rebuilt; nor shall any such building, when the damage thereto is less than fifty per cent. of its value, be so repaired so as to be in better condition or state of repair than before such damage, or to occupy greater space than before the injury thereto; and the extent of the damage that may be done to any such building by fire or other casualty shall be determined by three uninterested citizens of the city, one of whom shall be selected by the owner of the building or his agent, one by the mayor, and the two chosen shall select a third, and the decision of the persons so chosen shall be final and conclusive. The fees of each referee shall be one dollar, to be paid by the owner of the building.

202 *Penalty.* SEC. 4. Whoever shall violate the provisions of sections 2 and 3 of this chapter, or any of the same, shall, on conviction, be fined not less than ten nor more than one hundred dollars.

203 *Nuisance — Proceeding, Etc.* SEC. 5. Any wooden building or part of any wooden building which may be erected, enlarged, removed or repaired contrary to the provisions of this chapter shall be deemed a nuisance, and upon information of such violation the mayor shall give due and reasonable notice to the owner or builder thereof to remedy, abate or remove the same, or such part thereof as may be necessary, and upon his failure to comply with said notice the mayor shall, by an order in writing, require the city marshal to remove or tear down such building, or such part thereof as may be necessary, and any one of the city marshals shall execute the order of the mayor, and shall report the costs and expenses of such removal, upon oath, to the city council for allowance, and such costs and expenses may be collected of the owner or builder of any such building liable therefor by suit in the name of the city before any court having jurisdiction.

R. S. Chapter 24, Article V, Section 1, Clause 75.

Ordinance directing city marshal to remove prohibited structure sustained.—King vs. Davenport, 98 Ill., 305.

204 *Combustible Material Prohibited.* SEC. 6. No person shall, without the consent in writing of the mayor, throw, place, pile or deposit within the fire limits of said city any wood, lumber, timber, hay, straw or other combustible material so as to endanger any building by the burning thereof, and any person so offending shall, on conviction, be fined not less than five nor more than twenty-five dollars for each offense, and a further fine of ten dollars for every twenty-four hours he allows the same to remain after notice from the mayor or any of the city marshals to remove the same.

R. S. Chapter 24, Article V, Section 1, Clause 93.

205 *Combustibles on Own Premises—Penalty.* SEC. 7. No person shall, without the fire limits of said city, place, pile or throw any wood, lumber, timber, hay, straw or other combustible material into any lot, street or alley, or on his own premises contiguous to and so as to endanger the buildings or property of other persons, and any person so offending shall, on conviction, be fined not less than three nor more than twenty-five dollars, and a further fine of five dollars per day for each day he shall allow the same to remain after notice by the mayor or any one of the city marshals to remove or abate the same.

206 *Chimneys—Openings in Walls for Stovepipes—How Arranged.* SEC. 8. All flues or chimneys shall be built of brick or stone, well laid in lime mortar and smoothly plastered on the inside. The holes for the insertion of stovepipe shall be made of an iron, stone or earthenware thimble inserted into the flue; and when not in use and the chimney is being used, such holes shall be stopped with a tin or zinc stopper with a flange of at least one inch outside of the flue or chimney.

207 *Stove—Not Near Woodwork, Etc.* SEC. 9. No person shall set up or use any stove, the top or any side of which shall be within eighteen inches of any woodwork of any wall or partition without protecting such woodwork by a good, substantial covering of zinc, tin or iron, and in no case shall any such stove be within ten inches of any woodwork.

R. S. Chapter 24, Article V, Section 1, Clause 63.

208 *Stovepipe, Etc.—How Arranged.* SEC. 10. All stovepipes shall be securely put up, and in all cases where any pipe passes or projects through the woodwork or roof of any building the pipe shall be separated from such woodwork or roof at least three inches by a double circle of tin or zinc, connected with like metal, with airholes through the connecting metal to allow the free circulation of air, and when any pipe passes through the roof it shall project at least four feet.

209 *Penalty.* SEC. 11. Whoever shall offend against the provisions or requirements of the foregoing sections 6, 7, 8, 9 and 10, or any of the same, or shall, in this city, wilfully give or make any false alarm of fire, shall, on conviction, be fined not less than five nor more than one hundred dollars for each and every offense.

ARTICLE II.

FIRES AND FIRE COMPANY.

210. SECTION 1. The Carbondale hose company is hereby authorized to take charge of, man, equip and control the fire apparatus of the city, subject to the orders of the mayor of the city, and to properly house any and all fire apparatus of this city; and, in addition, said company is to supply fire engine with any and all chemicals or other things that may be necessary to use in extinguishing any fire. As compensation for such service, the Carbondale hose company shall receive the sum of two hundred dollars annually, payable quarterly, which payment shall be made to said company, however, on the following conditions: That the membership of said Carbondale hose company shall not be less than fifteen active members; that they shall also keep the fire engine and any and all other fire apparatus of said city in perfect working order at all times; they shall also keep the fire hose, hose cart and other fire apparatus in safe and perfect order and well protected at all times. They shall also meet and practice at least once a month.

211. SEC. 2. All members, residents within the limits of the city, of any fire company, not exceeding twenty in number, *bona fide* organized and existing

within the city, whether voluntary or otherwise, shall be exempt from all street labor and from serving on all juries before the police magistrate or any justice of the peace in city cases; *provided*, a roll or list of the actual members of such fire company, residents within the city limits, be filed in the office of the city clerk, and the proper officers of such company notify the city clerk from time to time of changes in the membership thereof; *and provided, further*, that such exemption shall not extend to any person who wilfully fails, neglects or refuses to respond to any call for assistance in case of fire, or who wilfully fails, refuses or neglects to meet and discharge any legal and reasonable assessment or requirement imposed by the company.

212. SEC. 3. Whoever, within the limits of the city, shall wilfully or carelessly break or otherwise injure, or shall carry away, or misplace, any fire engine, ladder, hose, bucket or other implement or thing belonging to the city, or to any fire engine of the city, or of any recognized fire company existing in the city, shall, on conviction, be fined in any sum not less than three nor more than two hundred dollars.

213 SEC. 4. Whoever, within the limits of the city, shall wilfully, maliciously or heedlessly drive, pull or push any wagon, cart or other vehicle or thing against, upon or over any hose, engine or other apparatus belonging to any engine, hose cart, hook and ladder, or other implement being used for the extinguishment of fire, or shall wilfully hinder, disturb or obstruct the free locomotion or progress of any engine, hose cart, hook and ladder, or other implement for the extinguishing of fire, while going to or actively engaged in the suppression of, or returning from, any fire, shall, on conviction, be fined not less than five nor more than two hundred dollars; and for a second violation of the provisions of this section the offender shall, on conviction, be fined not less than twenty-five nor more than two hundred dollars.

CHAPTER XVI.

HEALTH.

214 *Board of—Who Constitute—Powers.* SECTION 1. The mayor, city clerk and eight citizens who are legal voters of this city, two of whom shall be physicians who are residents of said city, to be appointed by the mayor, by and with the advice and consent of the city council, shall constitute a board of health; the mayor shall be chairman and the city clerk shall perform the duties of clerk of said board. The board of health shall have power at all times to make and enforce all necessary rules, orders and regulations to prevent the introduction, or check the progress of, contagious, infectious, pestilential or malignant diseases within the limits of city and area of territory contiguous to and surrounding the city, as the city authorities may, for the purpose of health, be given by law supervision or control over; and for this purpose said board shall have charge of all matters pertaining to quarantine, and power to shut up any house or place where any infected person may be, and cause notices of warning to be put and kept thereon for and during such time as may in the judgment of the board be expedient or necessary for the public health of said city; or they may cause any such person to be removed to any pest house within, or not exceeding five miles without, the limits of the city, at the expense of such person, if of sufficient ability to pay, and if not, at the expense of the city.

Extent of Jurisdiction. R. S. Chapter 24, Article III, Section 16.

Power to appoint board of health. R. S. Chapter 24, Article V, Section 1, Clauses 76, 78.

215 *Further Powers—Hospitals—Costs.* SEC. 2. The board of health shall also have power, when in their judgment the safety and preservation of the health of the city demand it, to establish and maintain suitable places as hospitals, to employ necessary medical attendants and nurses for such hospitals and make necessary rules and regulations in relation thereto and for the government thereof, the expense thus incurred to be paid out of the city treasury.

Power to establish hospitals, etc. R. S. Chapter 24, Article V, Section 1, Clause 77.

216 *Further Powers—Cleansing of Premises.* SEC. 3. The board of health shall also have power to visit and inspect, in day time, all houses and premises within the limits of the city, or such territory without the limits of the city as the city authorities may, for the purpose of health, have control over, and make and enforce necessary orders for the cleansing and purifying the same.

217 *City Marshals—Duties—Clerk to Record, Etc.* SEC. 4. The city marshals, all constables and other peace officers within the city shall execute all rules and orders made by the board of health when directed by the board so to do; and the city clerk shall attend all meetings of, and keep a complete record of all doings of, the board of health, which record shall be by him submitted to the city council whenever the city council so require.

218 *Penalty.* SEC. 5. Whoever shall wilfully fail, neglect or refuse to obey or execute any reasonable order, rule or regulation made by the city board of health shall, on conviction, be fined not less than three nor more than one hundred dollars.

219 *Diseased Person Abroad—Penalty.* SEC. 6. Any person having, or having had, any contagious or infectious disease who shall go about the city or any public place therein before he or she shall be so far recovered as that, in the judgment of a competent physician the

health of other persons or of the public will not be endangered by such going about, shall, on conviction, be fined not less than five nor more than fifty dollars.

220 *Dress Changed—Penalty—Physician to Report What—Penalty.* SEC. 7. Any person attending as nurse or physician upon any patient sick of the small pox, cholera or other like infectious disease who shall go about the city or any public place therein without first having changed his or her apparel and used proper disinfectants after leaving such patients, shall, on conviction, be fined not less than five nor more than fifty dollars. And every physician called to attend any such patient shall forthwith report the fact that such patient is so sick to the city board of health under penalty for a failure to do so of not less than three nor more than fifty dollars.

221 *Wearing Apparel, Etc.—What Destroyed—Appraisalment—Compensation.* SEC. 8. The city board of health may order that any wearing apparel, bedding or other articles deemed to be infected with any contagious or infectious disease, or liable to induce the spreading of such disease, shall be destroyed or buried, first making an appraisalment thereof for the purpose of making just compensation therefor.

222 *Further Powers of Board—Cleansing of Streets.* SEC. 9. The board of health may at any time obtain the advice of, or when in their judgment the sanitary condition of the city or the preservation of the public health demands it, employ a competent physician and may make and enforce all necessary rules, orders and regulations concerning the cleansing and purification of streets, alleys, public buildings and places within the limits of the city.

223 *Unwholesome Articles Prohibited—Penalty.* SEC. 10. The board of health may also, when the safety or preservation of the public health demands it, prohibit the bringing into the city, or sale or giving away or use

within the limits of the city, of any articles of food or other articles or things deemed noxious to or liable to endanger health, or to induce the introduction or spread of disease; and any person who shall wilfully violate or fail, neglect or refuse to obey any such order shall, on conviction, be fined not less than five nor more than one hundred dollars.

CHAPTER XVII.

CITY JAIL AND JAILER.

224. *City Jail — Location Of.* SECTION I. The buildings and inclosure which now are or may be hereafter erected, situated upon regular lot number seven hundred and twenty-four (724) in the city of Carbondale, Illinois, are hereby constituted and established as a city jail, for the confinement and safe keeping of all persons who may be legally committed thereto by any police magistrate or justice of the peace, or other proper officer, for any violation of the laws or ordinances of the city, or for the non-payment of any fine or penalty legally adjudged against such persons by any magistrate or other competent court. And the city jailer shall have the use and occupation for his own family, during his continuance in office, of the buildings and rooms comprising the jailer's apartments of the said jail premises, and shall not be required to pay any rent therefor. And the city shall also furnish him with all necessary fuel for use, both in the city jail and the jailer's apartments, free of charge.

225 *Office Created—Term of Office.* SEC. 2. There is hereby created the office of city jailer, or keeper of the city prison and workhouse. He shall hold his office for a term of one year and until his successor shall be duly appointed and qualified.

226 *How and When Appointed—Oath—Bond.* SEC. 3. The city jailer shall be appointed by the mayor, by and with the advice and consent of the city council, at the first regular meeting of the city council in May of each year. Before entering upon the duties of his office he shall take the oath prescribed by law, and shall execute a bond to the corporation in the penal sum of ~~five thousand~~ ^{five hundred} dollars, with such sureties as the city council shall approve, conditioned for the faithful discharge of the duties of his office.

227 *Shall Be Ex-Officio Policeman—Other Duties.* SEC. 4. The city jailer shall be, *ex officio*, a city marshal, and shall possess the same powers as other city marshals. He shall reside in the portion of the city set apart for the city jailer and shall have the charge, custody and keeping of the jail and of the grounds and appurtenances belonging thereto and of all persons legally committed thereto or confined therein, under the direction and supervision of the mayor and city council. He shall attend at the jail regularly, and, when required, shall receive into his custody and safe keeping and confine therein all persons who may be legally committed to his custody or charge by any proper officer, police magistrate or justice of the peace, until they shall be legally taken or discharged therefrom. He shall furnish to all persons who may be confined or kept in the prison under his charge (when the person himself shall not do so), at proper times, suitable, necessary and plain, wholesome food and drink, and comfortable bedding.

228 *Shall Receive Prisoners, Etc.—Rate Per Day to Discharge.* SEC. 5. When any person shall be committed by order of any police magistrate, justice of the

peace or other competent court for the non-payment of any fine, penalty or forfeiture adjudged against him, and has no goods or chattels out of which the judgment and execution against him can be collected, the police officer having charge of the execution shall deliver such person, with a copy of the execution, and with the amount of the fine or penalty and costs adjudged against him, into the custody of the city jailer, who shall receive such person and receipt for him to the officer upon the execution retained by him, and shall enter in the book kept for that purpose the date and amount of the fine and costs and the number of days which the person will be required to be confined in order to discharge the same at the rate of fifty cents per day.

229 *May Cause Prisoners to Labor — Refusal Of—Penalty.* SEC. 6. The city jailer may require any person lawfully committed to his custody for any violation of the laws or ordinances of the city to perform such manual labor as his or her strength will permit, within or without the prison, for not exceeding ten hours each working day, and in such manner as the city jailer or street commissioner may direct; and if such person shall refuse to labor when required, or refuse the lawful commands of the city jailer or other officer, or shall resist or attempt to escape, he shall not be entitled to any credit on his fine or judgment until he shall consent to labor, and if he shall escape he shall forfeit the whole amount credited or paid on his fine by imprisonment, and if retaken shall serve out the entire amount of the fine and costs for which he was originally committed.

230 *Shall Keep Record of Prisoners.* SEC. 7. The city jailer shall keep a record, in which he shall register the name of each person committed to or confined therein, the offense for which such person was committed, the time when and by what officer committed, the date and manner of discharge, and by what authority discharged; and he shall carefully preserve the original (if left with him) or a copy of each execution, mittimus or warrant of commitment.

231 *No Authority to Discharge Prisoners—Liability and Penalty.* SEC. 8. The city jailer shall not release or discharge any person committed to his custody, except according to law, and if he shall release or discharge any person committed into his custody without proper warrant of law, or shall wilfully suffer or permit such person to escape, he shall be liable for the full amount of the fine and costs due from such person at the time of his escape and to an additional penalty of not less than three nor more than one hundred dollars, and may be removed from office.

232 *Sanitary Condition of Jail and Prisoners.* SEC. 9. The city jailer shall keep the jail, with appurtenances, cells, furniture and bedding thereof, clean and in good order and free from vermin and other things prejudicial to health and comfort of persons confined therein; and he shall, if necessary, compel such persons to keep themselves and their wearing apparel in a cleanly and decent condition, and to cleanse their apartments or other parts of the jail when they shall wilfully or unnecessarily defile the same.

233 *City Council May Establish Rules.* SEC. 10. The city council may make and establish such reasonable rules and regulations for the maintainance of good order and discipline in the city jail as they may find expedient or necessary; and the city jailer, upon receiving any person into his custody, shall read over said rules and regulations in the hearing of such person, and shall at all times strictly enforce the same.

234 *Physician—When May Employ.* SEC. 11. Whenever the city physician (if there be one) shall be unable to attend to any prisoner requiring medical aid, the city jailer shall be authorized to employ, with the consent of the mayor, such other medical assistance as he may deem necessary.

235 *Committee to Visit Jail and Report to Council.* SEC. 12. It shall be the duty of the committee on police

and jail to visit the city jail as often as once a month, and to inquire into the treatment of persons confined therein, and see that the jail is kept in good order and condition, and that the provisions of this chapter and the rules and regulations of the jail are strictly observed and enforced; and they shall report to the city council any neglect of duty or inefficiency on the part of the keeper thereof.

236 *Manner of Treating Prisoners—Penalty for Violation.* SEC. 13. The city jailer shall treat all persons committed to his charge humanely; and if he shall unnecessarily assault, beat, abuse, or otherwise maltreat, any person in his custody, or knowingly suffer or permit the same to be done; or shall supply any such person with any intoxicating liquor as a beverage, or knowingly suffer or permit the same to be done; or shall be guilty of any lascivious behavior, or other improper conduct, toward any female in his custody, or knowingly suffer or permit others to be guilty of such conduct; or shall fail to supply each and every person in his custody with a sufficient quantity of wholesome food or drink at reasonable and proper intervals, or with the necessary bedding, he shall, in each and every case, be subject to a penalty of not less than five nor more than fifty dollars; and a conviction under any of the provisions of this section shall be deemed cause for his removal from office.

CHAPTER XVIII.

LICENSES.

Article I. Licenses in General.

Article II. Application for; How
Issued; Payment, Etc.

ARTICLE I.

LICENSES IN GENERAL.

237 *License Required.* SECTION 1. It shall be unlawful for any person to be engaged in or carry on any business, occupation or pursuit hereinafter mentioned in this article, within the jurisdiction of the city of Carbondale, without first having obtained a license therefor in the manner provided by this ordinance.

238 *Applicant Must Register Name, Etc.* SEC. 2. Every person engaged in any business, occupation or pursuit required to be licensed under the provisions of this ordinance shall register with the city clerk his name, residence, occupation or business, and the place where the latter is, or is to be, carried on; and in the case of a company or firm, the names of the persons composing the same shall also be registered.

239 *Tax — Amount Of. Classification.* SEC. 3. There shall be taxed and collected of and from the persons engaged in or carrying on the different branches of business, occupation or pursuits in this section mentioned, respectively, license and permit fees for each

year, or as otherwise mentioned, at the rates following, to-wit :

240 *First.* Keeper or keepers of skating rinks shall pay thirty dollars per year, or for any time less than one month fifty cents per day.

See Amusements. Section 3, Clause 3.

241 *Second.* Proprietors or owners of opera houses or halls used for theatrical purposes shall pay a license fee of twelve dollars per year, in lieu of all separate license fees for shows or amusements given in such opera house, hall or theater during the period of such license, and such license may be taken out for any period not less than three nor more than twelve months at that rate or proportionate part of unexpired municipal year.

See Amusements. Section 3, Clause 1.

242 *Third.* Proprietors or managers of any shooting gallery, exhibition of any rope or wire walking, puppets or wax figures, doll, knife or cane rack, galvanic battery, lung tester, steam swings or merry-go-rounds, or lifting apparatus, shall pay a license fee of one dollar per day.

243 *Fourth.* Pawnbrokers shall pay a license fee at the rate of twenty-five dollars per year; and no license shall be issued for less than three months at that rate.

244 *Fifth.* Auctioneers shall pay according to rates laid down in Chapter II. on auctioneers and auctions.

245 *Sixth.* Bill posters at the rate of six dollars per annum, or, if taken for a less period, at the rate of one dollar per day.

246 *Seventh.* Draymen, etc., at the rates prescribed in the chapter on that subject.

247 *Eighth.* Hawkers and peddlers. See chapter on that subject.

248 *Ninth.* Keepers of public scales at the rate of three dollars per annum.

249 *Tenth.* All other license fees required will be found tabulated under their appropriate heads and chapters.

250 *Bond.* SEC. 4. All persons following the occupation of pawnbroker aforesaid shall give bond in the penal sum of five hundred dollars, with at least one good and sufficient surety, a resident of this city, to be approved by the mayor or city council, or both, conditioned for the observance of the ordinances of the city and for the prompt payment of all moneys due to any person or persons and the delivery of all goods to the persons entitled thereto.

251 *Record—Daily Report to Day Marshal.* SEC. 5. Every pawnbroker shall keep a well bound book, in which shall be legibly written in ink, at the time of each purchase or loan, a full and accurate account in the English language of the transaction, specifying dates, names and residence of persons, description of articles, amount paid or loaned, rate of interest, and when due. No entry shall be erased or obliterated. Such record and such articles shall at all reasonable hours be open to inspection by the mayor and all police officers or any committee appointed by the mayor. And it shall be the duty of every licensed person aforesaid to make out and deliver to the day marshal, every day before the hour of 12:00 M., a legible and correct copy from the book required by this section, of all personal property and all other valuable things received on deposit or purchased during the day preceding, together with the time, meaning the hour, when received or purchased, and a true description of the person or persons by whom left in pledge or from whom the same were purchased. Any person failing to keep such record, or wilfully

erasing or obliterating the same, or any or part of any entry thereon, or refusing or failing at any reasonable hour to allow such record or such articles to be inspected as aforesaid, or shall fail or refuse to make report as aforesaid, shall be fined not less than five nor more than one hundred dollars.

252 *From Whom Property Shall Not Be Received.* SEC. 6. No pawnbroker or keeper of a loan office, whether licensed or not, shall take or receive in pawn or pledge for money loaned any property, article or thing of value from any intoxicated person, nor from any person known to him to be a thief or to have been convicted of burglary or larceny, nor from any minor without the written consent of the parent or guardian of such minor, under a penalty of not less than five nor exceeding one hundred dollars for each offense.

253 *Police to Report Violations.* SEC. 7. It shall be the duty of the city marshals and other police officers to report to the mayor any failure on the part of any person licensed as aforesaid to comply with any of the provisions of this article, and the mayor may revoke the license of such person or persons on satisfactory cause appearing to him for so doing.

254 *Revocation.* SEC. 8. All licenses granted under this chapter, and all other licenses granted, are subject to revocation for any willful failure to observe any ordinance relative to the conduct of such business, and in case of revocation no part of the fee shall be refunded.

255 *License to Expire With Municipal Year.* SEC. 9. All licenses shall expire with the municipal year, viz: at first regular meeting of the city council in May after the issue of the license, and no license shall issue for a less fee than is above prescribed, except that where the license is an annual one and over half of the fiscal year has expired, it may issue for the remainder of the fiscal year for the sum of one-half the annual rate but no less.

256 *Penalty.* SEC. 10. Any person carrying on any such business or occupation, as aforesaid, without having first obtained a license, shall be fined not less than three nor more than one hundred dollars for each offense.

ARTICLE II.

APPLICATION FOR—HOW ISSUED—PAYMENT, ETC.

257 *Order For—Mayor to Issue.* SEC. 11. Whenever any person shall desire a license for any purpose for which within the city limits a license is by law or ordinance required, such person shall apply to the mayor, who, if he approves the application, shall give the applicant an order in writing to the city clerk, signed by him, stating the license for which permission is granted, directing the clerk, upon payment to him of the fees by law or ordinance required, to issue to the applicant the proper license.

License can not legally issue without ordinance. *People vs. Crotty*, 93 Ill., 180; *Bull vs. Quincy*, 9 Ill. App., 127.

Where applicant for license is suitable person and has complied with requirements of ordinance the city authorities can not arbitrarily refuse to grant license. *Zanson vs. Mound City*, 103 Ill., 552.

License money not a tax and not required to be applied solely to corporate purposes. *E. St. Louis vs. School Trustees*, 102 Ill., 489.

258 *Approval of Bonds Before Order Issued.* SEC. 12 If a bond be required of such applicant before a license is granted, such applicant shall, when applying to the mayor or city council, present to him or them for approval a bond executed by such applicant, with security to the satisfaction of the mayor or council, in such sum as may be by law or ordinance required; and

if the mayor or council approve such bond, such approval shall be endorsed thereon, and no order for a license shall be given until the bond of such applicant has been approved.

259 *Order not Transferable—Affidavit.* SEC. 13. No order for a license shall be transferable, and the city clerk may require proof by affidavit that the person presenting an order for a license is the same person to whom it was issued.

260 *Clerk to Issue—License Receipt Book, Etc.* SEC. 14. The city clerk is hereby authorized to issue all licenses herein provided for and to collect all sums of money chargeable therefor. He shall furnish his office with a blank license receipt book, the license receipt of which shall be numbered, and he shall issue all licenses from said blank license receipt book, and he shall enter on the stub of said license receipt book to whom issued, when issued and the amount thereof, and when for billiard table or other like table or tables, or for the selling of intoxicating liquors, the house where they are to be kept.

261 *Fees Paid Treasurer—Receipt Indorsed.* SEC. 15. Upon receiving an order for a license the applicant shall, before presenting the same to the city clerk, apply to the city treasurer and pay to him the fees required thereon, who shall indorse on the back of such order a receipt, signed by him, for such fees, and the city clerk shall, upon the presentation of such order so indorsed and satisfactory proof that such order was bona fide issued to the person presenting it, issue to such person the proper license.

If city receive and retain money for license, it can not prosecute person paying it for conducting business without license, though none was issued. *Martel vs. East St. Louis*, 94 Ill., 67.

262 *License Not Transferable—Include But One.* SEC. 16. No license issued by authority of this city shall be

transferable nor confer any authority, privilege or right upon any person other than to whom the same is issued; *provided*, saloon and other licenses, except auctioneers, hawkers and peddlers, may be granted to firms composed of two or more members, but shall be good only while the firm remains composed of the same persons as at the time of granting the license.

See *Munsell vs. Temple*, 3 Gilman, 93.

263 *Subject to Revocation—Mode Of.* SEC. 17. All licenses granted by the authority of the city shall be subject to the power of the mayor to revoke them for such cause as may by law or ordinance be declared a forfeiture thereof. The power of revocation shall be exercised as follows: The mayor shall deliver to any one of the city marshals an order in writing, signed by him, declaring the license forfeited and revoked and stating the reason therefor, and requesting the holder of such license to deliver the same to the marshal, which order the marshal shall forthwith proceed to serve upon the party to whom it is directed by reading and delivering a copy thereof to said party, and demanding a surrender of said license, and shall make return thereof to the mayor with an endorsement on the back of said order stating the time and manner of serving the same, and shall also return the license to the mayor if the same be surrendered to him: *Provided*, that in all cases where surrender of license is demanded as above, the mayor shall tender the amount of money due for the unexpired portion of term for which the license was issued. The mayor shall report to the city council, at its next regular meeting, the fact of such revocation, with the order therefor and the return of the city marshal thereon and the license, if in his custody. If the city council approve such revocation, the city clerk shall indorse their approval on said order and file the same in his office; but if the city council does not indorse such revocation, it shall be held of no effect, and the license, if it shall have been surrendered by the holder, shall be returned to him and continue in force for a length of time thereafter equal to the unexpired time

at the time of revocation. In no case shall the holder be entitled to a return of any portion of the fees paid for the granting of such license.

264 *From What Time Void—Penalty.* SEC. 18. In case an order of revocation of license be issued and served as provided for in section 7 of this chapter, such license shall be deemed to be at an end and void and of no effect from the time such order is served, whether such license be delivered to the city marshal or not, and if the holder shall proceed to act thereafter under such license and contrary to the order of revocation he shall, on conviction, be fined as though no license had ever been issued.

265 *Bond Submitted to Council—Proceedings.* SEC. 19. Whenever a bond is required before the granting of any license the mayor, after having approved such bond and issued an order to grant the license, shall retain the custody of the bond until the next regular meeting of the city council, when he shall submit such bond to the city council, and the said council may approve or reject such bond or require additional security thereon, and if the holder of the license fails or refuses to give security to the satisfaction of the city council within the time he may be required, or if the bond be wholly rejected, the license shall be deemed to be forfeited and at an end, and the holder shall have refunded to him such portion of the sum paid for the granting of such license as the unexpired time such license has to run bears to the whole time for which it was issued.

266 *What Not Authorized by License—Penalty.* SEC. 20. Nothing in this chapter, or in any ordinance of the city, shall be deemed, held or construed, nor shall any license granted or issued in pursuance of any ordinance of this city be deemed, held or construed, to authorize the holder of any license granted by authority of law or city ordinance to exercise, follow, engage in or carry on the vocation, calling or privilege as is in such license mentioned, upon or in any sidewalk, crosswalk, pave-

ment, street, alley, public way or other public place within the city. Whoever shall violate the provisions of this section shall, on conviction, be fined not less than three nor more than one hundred dollars: *Provided*, this section shall not be construed to prevent peddlers or scavengers from the necessary and reasonable use of streets, alleys and public ways to carry on their business.

Primary purpose of streets is for passage and travel, and obstructions to its free use for such purposes is unauthorized and illegal and may be declared a nuisance. Dillon on Municipal Corporation, Sections 683, 730; Quincy vs. Jones, 76 Ill., 231, 244; Caldwell vs. Alton, 33 Ill., 416.

Person accepting a license takes it subject to provisions of ordinances relating thereto, and acceptance of license is acknowledgement of the validity of the ordinance. Launder vs. Chicago, 111 Ill., 296.

Authority of city council. R. S. Chapter 24, Article V, Section 1, Clause 20.

267 *Bribing Mayor—Penalty—Mayor Accepting—Penalty.* SEC. 21. Whoever shall give or promise to give to the mayor any money or other valuable thing, or any favor or promise thereof, as a consideration or inducement to approve any bond for license, or grant any order for a license, or as reward or compensation for having approved any such bond or granted any such order, shall, on conviction, be fined not less than fifty nor more than two hundred dollars. And if the mayor shall accept or receive anything contrary to the provisions of this section, he shall forfeit not less than fifty nor more than two hundred dollars, to be recovered in an action in the name of the city directly against him or upon his official bond as for malfeasance in office.

CHAPTER XIX.

NUISANCES.

268 *What Is Nuisance—Classification.* SECTION 1. It is hereby declared to be a nuisance for any person or persons, firm, company or corporation within the corporate limits of this city:

Power to declare a nuisance, etc. R. S. Chapter 24, Article V, Section 1, Clause 75.

First. To so negligently conduct any business or use any premises as to create an offensive smell or taint the air and render it unwholesome or disagreeable to any person or persons.

Power to prohibit unwholesome business. R. S. Chapter 24, Article V, Section 1, Clause 83.

Second. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or remain in any place to the prejudice of any person or persons.

Power to promote health, etc. R. S. Chapter 24, Article V, Section 1, Clause 78.

Third. To throw, deposit or discharge into, or suffer to be collected, deposited or remain in, any street, alley or other public place, or in any house, building, premises, sewer, gutter, spring, well or cistern, any ashes, filth, garbage, offal, excrement, manure or other noxious substance, or any rotten or decaying animal or vegetable matter, or any waste paper, rag or old gar-

ment, soot or other contents of any stovepipe, chimney or flue, or any rubbish of any kind.

See *Ellis vs. K. C., etc., R. R. Co.*, 63 Mo., 131. R. S. Chapter 24. Article V, Section 1, Clause 15.

Fourth. To allow, suffer or permit any lot or premises, common or place of any kind whatever to become neglected so as to be offensive to other persons by weeds growing thereon or by the depositing of rubbish of any kind to the prejudice of any person or persons living in the vicinity of the same.

Fifth. To corrupt or render unwholesome or impure the water of any spring, stream, pond or well to the prejudice or injury of any person or persons.

R. S. Chapter 24, Article V, Section 1, Clause 40.

Sixth. To obstruct or impede, without legal authority, the passage of any gutter, conduit, sewer or the natural drainage of any public or private property.

R. S. Chapter 24, Article V, Section 1, Clause 29.

Seventh. To obstruct or encroach upon public highways, private ways, streets, alleys or commons, or any part thereof, by any article or thing whatever.

R. S. Chapter 24, Article V, Section 1, Clause 10.

Eighth. To establish, maintain and carry on any offensive or unwholesome business within the limits of said city or within one mile of the limits thereof.

R. S. Chapter 24, Article V, Section 1, Clause 83.

Ninth. To permit or suffer any offal, filth, refuse, animal or vegetable matter which is liable to become putrid or offensive, or injurious to health, to remain on any premises used or occupied by him, her or them for a longer time than five hours at any one time.

R. S. Chapter 24, Article V, Section 1, Clause 78.

Tenth. To keep, or suffer to be kept, in a foul, offensive, nauseous or filthy condition any railroad car, building, yard, cellar, barn, sewer, pigsty or privy.

R. S. Chapter 24, Article V, Section 1, Clause 84.

Eleventh. To own, keep or use any railroad car, yard, pen, place or premises in or upon which cattle or swine shall be confined or kept so as to be offensive to persons residing in the vicinity of the same.

See I. C. R. R. Co. vs. Grabell, 50 Ill., 241.

Twelfth. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive smells, or otherwise is offensive or dangerous to the health of any individual or of the public.

R. S. Chapter 24, Article V, Section 1.

Thirteenth. To locate and use, without first having obtained permission of the city council to do so, any packing house, rendery, tallow chandlery, bone factory, soap factory, tannery, brewery, distillery, livery stable, blacksmith shop or foundry.

R. S. Chapter 24, Article V, Section 1, Clauses 81, 82.

Fourteenth. For the owner or keeper of any lot or premises to suffer to stand or remain thereon water which is or which may become stagnant, foul and offensive, as well as detrimental, to the health and comfort of any person or persons residing in the neighborhood thereof.

R. S. Chapter 24, Article V, Section 1, Clause 40.

Fifteenth. To erect or use habitually any house or lot for the purpose of butchering or slaughtering cattle, calves, sheep or swine without permission granted by the city council.

R. S. Chapter 24, Article V, Section 1, Clause 83.

Sixteenth. To boil or render tainted lard or other animal substance so as to taint the air or render it unwholesome or offensive.

R. S. Chapter 24, Article V, Section 1, Clause 81.

Seventeenth. To suffer or permit any bitch to run at large, within the limits of the city, while proud or in heat, and every bitch found so running at large shall be summarily killed and destroyed.

Eighteenth. To obstruct, occupy or use, in or about the erection, construction or repair of any house or other building, any part of any sidewalk, crosswalk, crossing or pavement, or any portion of any street in excess of half the width thereof, with any brick, stone, lumber, lime or other builders' material.

Nineteenth. To set up, or cause to be set up, over any street, alley or sidewalk any awning less than eight feet high, or suspend any awning or any sign, signbox or fixture over any street or sidewalk lower than eight feet above the same, or suspend any merchandise or other article in front of any building and more than two feet from the wall thereof so that any part of the same shall be less than eight feet above the sidewalk or ground: *Provided*, that this clause shall not apply to awnings, etc., already erected and in place, but shall apply to any of the aforesaid which shall hereafter be erected.

Twentieth. For horse traders or transient persons of any kind or character to congregate upon the streets or alleys of this city for the purpose of trading horses or exhibiting their horses, or for any other purpose, or in any other way to obstruct the streets and thus hinder, delay or disturb any person or persons: *And it is further provided*, that such persons above mentioned shall immediately disperse upon verbal notice by the proper officer, and upon failure so to do shall be fined under the penalty for nuisances or provided for in this chapter.

269 *Penalty—Order to Abate—Proviso.* SEC. 2. Whoever violates any clause, section or provision of this chapter shall, on conviction, be fined not less than three nor more than two hundred dollars; and if any such person or persons, firm, company or corporation shall continue a nuisance after being fined for the same, a new cause of action shall immediately accrue against such person or persons, firm, company or corporation, subjecting the offender to a like penalty as aforesaid; and so on, after the rendition of each fine, the continuance of such nuisance shall be deemed a new cause of action as aforesaid: *Provided*, that the offender shall, in every case under the provisions of this chapter, be notified by the mayor or marshals of said city to remove or abate any such nuisance and be allowed a reasonable time, to be fixed by such officer in such notice according to the nature of such nuisance, to so remove and abate the same, which notice shall be in writing and be signed and returned by the officer serving the same, and upon removing or abating such nuisance within the time fixed by such officer the offender shall not be subject to the fine aforesaid unless the commission of such nuisance was willful or resulted in actual damage to the person or property of some person or corporation.

CHAPTER XX.

ORDINANCES.

270 *Manner of Recording and Publishing.* SECTION 1. The revised ordinances of this city, when the same are completed, shall be recorded in the manner that they are adopted and shall be published as adopted in

book form. Mayor may give casting vote in case of a tie on the passage of an ordinance.

Carrollton vs. Clark, 21 Ill. App., 74.

See R. S. Chapter 24, Article V, Section 1, Clause 96; Ibid, Sections 2-9, Article III, Sections 13, 18, 19. Barr vs. Village of Auburn, 89 Ill., 361; Harmon vs. Chicago, 110 Ill., 400; Lindsey vs. Chicago, 115 Ill., 120; Village of Bethalto vs. Conley, 9 Ill. App., 339; Mason vs. City of Shawneetown, 77 Ill., 533; Law vs. People, 87 Ill., 385; Moss vs. Oakland, 88 Ill., 109; Baker vs. Village of Maquon, 9 Ill. App., 155.

271 *When to Take Effect, Etc.* SEC. 2. That said revised ordinances shall take effect on and be in force from and after the expiration of ten days from the date of publication thereof, and on the taking effect thereof all prior ordinances shall be repealed thereby only to the extent of the conflict between such former ordinances and the present revised ordinances, so that all former ordinances not repealed directly or indirectly by these or other ordinances are hereby kept in full force and effect. The following ordinances, to-wit:

Ordinance No. 192, relating to sidewalk on both sides of Oak street, between Missouri street and Poplar street, approved January 2, 1895;

Ordinance No. 205, relating to the improvement of the streets and gutters on the north and south sides of Main street from Marion street to Springer street, approved October 18, 1895;

Ordinance No. 207, relating to sidewalk on both sides of Normal avenue from Oak street to grounds of Southern Illinois Normal University, approved May 8, 1896;

Ordinance No. 208, relating to sidewalk on the west side of West street from Oak street to the grounds of the Southern Illinois Normal University, approved May 20, 1896;

Ordinance No. 209, relating to sidewalk on the east side of West street from Oak street to College street, approved May 20, 1896;

Ordinance No. 210, relating to sidewalk on both sides of North street from Normal avenue to Gum street, approved May 20, 1896;

Ordinance No. 211, relating to sidewalk on the north side of North street from Gum street to Wall street, approved May 20, 1896;

Ordinance No. 212, relating to sidewalk on both sides of South street from Normal avenue to Marion street, approved May 20, 1896;

Ordinance No. 184, relating to sidewalks on the streets of the public square, approved September 4, 1894;

Ordinance No. 215, relating to sidewalk on south side of Main street from East street to Marion street, approved September 1, 1896;

Ordinances Nos. 218, 227, 230 to 234, inclusive; 244, 246, 283, 287, 294, 297, 302, 305 to 310, inclusive, and all other special ordinances not repealed to date are also deemed as continued in force in all their provisions.

Effect of repeal without saving clause. Day vs. City of Clinton, 6 Ill. App., 476.

272 *Rules of Construction.* SEC. 3. In the construction of all ordinances now in force or which may be hereafter enacted, the following rules shall be observed, unless such construction would be inconsistent with the manifest intention of the city council in adopting the ordinance, or repugnant to the context of such ordinance, or violative of some principle of law, viz:

First. All general provisions, terms, phrases and expressions shall be liberally construed in order that the intent of the city council may be fully carried out.

Second. Words in the present tense include the future.

Third. Words importing the singular number may extend and be applied to several persons and things, and words importing the plural number may include the singular.

Fourth. Words importing the masculine gender may be applied to females.

Fifth. The word "person" or "persons," as well as all words referring to or importing persons, may extend and be applied to bodies politic and corporate as well as individuals.

Sixth. The word "month" shall mean a calendar month.

Seventh. The term "council" shall be held to mean the city council; "clerk" shall be held to mean the city clerk; "treasurer" to mean the city treasurer; "attorney" to mean the city attorney, and "marshal" or "city marshal" to mean either the day marshal or the night marshal.

273 *How Passed, Approved, Etc.* SEC. 4. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; if the mayor approves thereof he shall sign the same, and such as he shall not approve he shall return to the council, with his objection thereto in writing, at the next regular meeting of the city council, occurring not less than five days after the passage thereof.

R. S. Chapter 24, Article III, Section 18; Ibid, Article VI, Section 11. Eubanks vs. Town of Ashley, 36 Ill., 177; Barr vs. Auburn, 89 Ill., 161.

Requirements of ordinances, 67 Ill., 102; 56 Ill. App., 191.

Ordinance book; evidence of adoption, 89 Ill., 361.

Repeal of ordinances by implication, 67 Ill., 103.

Proof of ordinances by a printed book purporting to be published by authority of the city council, 48 Ill. App., 202; 115 Ill., 120.

Publication of ordinances, 87 Ill., 385; 9 Ill. App., 155.

Ordinances, book form; prima facie of adoption, Barr vs. Auburn, 89 Ill., 361; 39 Ill. App., 592; 139 Ill., 306; 48 Ill. App., 202, 208.

274 *Fines Not Released.* SEC. 5. No fine, forfeiture, penalty, right of action, suit, debt or other liability incurred, instituted or accrued before the date that these ordinances take effect shall be released or discharged by the passage of these ordinances, but the same are hereby expressly reserved and excepted.

275 *City Attorney to Draw, Etc.* SEC. 6. All ordinances shall be drawn by the city attorney, for which he may charge a reasonable fee. And this applies equally to ordinances written in behalf of and for the city and to those in behalf of or for any person, firm, company or corporation. It is the duty of the city attorney to write such ordinances and see that they are regular and legally all right and constitutional; *provided*, that if any ordinance shall be drawn up by any person other than the city attorney, such ordinance shall be presented to the city attorney for his examination and approval before being presented to the city council for passage.

276 *General Penalty.* SEC. 7. In all cases where any act is prohibited by any ordinance of this city, and whenever any provision of any ordinance is violated, where no other fine or penalty is provided, a breach thereof shall subject the offender to a penalty of not less than three dollars nor more than one hundred dollars for each offense.

CHAPTER XXI.

PEDDLERS.

277 *License Required—Exception.* SECTION 1. It shall be unlawful for any person or persons, corporation, company or firm to exercise the business of a peddler, or to peddle, within the city limits, goods, wares, merchandise or other articles, except farm, orchard or garden products when sold by the bona fide producers thereof, without a license so to do, obtained in the manner prescribed by law or the ordinance of the city for the granting of licenses.

Authority to require license. R. S. Chapter 24, Article V, Section 1, Clause 41.

See also, Constitution, Article IX, Section 1. *Wiggins vs. Chicago*, 68 Ill., 372.

Who is a peddler. *Bouvier's Law Dictionary*, title "Peddlers."

278 *Fees For—Classification.* SEC. 2. To obtain the license provided for in section 1 of this chapter, the person, corporation, company or firm desiring the same shall pay into the city treasury the amount required of the class to which his, its or their business may belong according to the following classification:

279 *First.* For a foot peddler, or one going about on foot with goods, wares, merchandise or other articles for sale, two dollars for each and every day he may be

so engaged within the city limits, or six dollars per week.

280 *Second.* For one going about in a horse wagon, cart, dray or other vehicle, four dollars for each and every day, or twelve dollars per week.

281 *License to Company—Restriction.* SEC. 3. A license to peddle may be granted to a corporation, company or firm composed of two or more individuals or persons, but shall not be construed to authorize more than one person to be engaged in peddling for such corporation, company or firm at one and the same time.

282 *Peddling Without License—Restriction.* SEC. 4. Whoever shall engage, within the limits of the city, in the business of peddling without license so to do, as required in this chapter, shall, on conviction, be fined not less than three nor more than twenty-five dollars for each and every day he shall be so engaged.

283 *Violation—Forfeiture—Penalty.* SEC. 5. Any person who, having obtained a license to peddle under one class as provided in this chapter, shall engage in another of the classes herein mentioned, or who shall sell or dispose of stolen goods under such license, or shall conduct himself during the continuance of such license in a riotous or disorderly manner; or any corporation, company or firm which, having obtained a license of one class, shall engage in another class, or shall employ more than one person to peddle under the same license at the same time, or shall sell or dispose of stolen goods under such license, or shall keep in its or their employ, under such license, a person who conducts himself in a riotous or disorderly manner, shall be deemed to have forfeited such license, and, on conviction, shall be fined as if no license had been issued.

CHAPTER XXII.

PLATS.

284 *Official Map of the City—What Declared.* SECTION 1. The plat or map of the survey of this city made by Edmund Newsome and brought down to date by W. F. Hughes, county surveyor, under contract with the city and approved by the city council of said city, is hereby declared to be, and unless changed by law or ordinance, shall remain, the official map of the city as to all matters thereby shown.

285 *Plats to be Approved by the City Council—Conform to Existing Streets, Etc.* SEC. 2. Every plat or map to any addition to or subdivision of any land, block or lot, or part thereof, within the limits of this city, or to be annexed thereto, which shall be hereafter made, shall, as near as practicable, conform to and correspond with existing blocks, lots, streets, alleys and public ways; and every such plat or map shall, to entitle the same to be recorded in the office of the recorder of this county, be first submitted to and approved by a majority vote of all the members of the city council, such approval to be entered by yeas and nays upon the journal of the council's proceedings, and no such plat or map shall have any validity or be of any force until it is approved and a certificate of such approval signed by the city clerk, with the corporate seal thereto attached, shall have been endorsed thereon.

Approval of maps, etc. R. S. Chapter 24, Article X, Section 5.

CHAPTER XXIII.

PENAL CODE AND PRACTICE.

Article I. Offenses Against the Peace of the City.	Article III. Miscellaneous Of- fenses.
Article II. Offenses Against the Police and Morals of the City.	Article IV. Practices.

ARTICLE I.

OFFENSES AGAINST THE PEACE OF THE CITY.

286 *Assault—Assault and Battery—Penalty.* SECTION 1. Whoever shall commit an assault, or an assault and battery, within the limits of the city, shall, on conviction, be fined not less than three nor more than one hundred dollars.

Power to prevent. R. S. Chapter 24, Article V, Section 1, Clause 59. Ibid, Chapter 38, Sections 20–22.

Hoyer vs. Mascoutah, 59 Ill., 137.

287 *Affrays—Penalty.* SEC. 2. If two or more persons fight by agreement, in any place within the limits of the city, they shall, on conviction, be fined not less than three nor more than one hundred dollars.

Power to suppress. R. S. Chapter 24, Article V, Section 1, Clause 72. Ibid, Chapter 38, Section 20.

288 *Assembly—Unlawful—Penalty.* SEC. 3. If two or more persons assemble to do an unlawful act, within the limits of the city, or being assembled together within the limits of the city shall conduct themselves in a riotous or disorderly manner, they shall be deemed guilty of an unlawful assembly and, on conviction, shall severally be fined not less than three nor more than one hundred dollars.

Power to prevent. R. S. Chapter 24, Article V, Section 1, Clause 72.

289 *Provoking a Breach of the Peace—Penalty.* SEC. 4. Whoever, within the limits of the city, shall provoke a breach of the peace by publicly challenging another to fight, or by fighting, or shall use any violent, threatening, profane or indecent language, to the disturbance of any person, or shall use any threatening, tumultuous, offensive, unseemly, reproaching or abusive language, to the annoyance, disturbance or vexation of any other person, or shall be guilty of conduct tending to provoke a breach of the peace, shall, on conviction, be fined not less than three nor more than one hundred dollars.

Power to prevent. R. S. Chapter 24, Article V, Section 1, Clause 59.

290 *Disturbing the Peace—Penalty.* SEC. 5. Whoever shall disturb the peace and quiet of the city, or any neighborhood, family or person, by loud and unusual noise, shouting, blowing horns, yelling, singing, whistling, or by tumultuous and offensive carriage, or other boisterous and unseemly conduct, shall, on conviction, be fined not less than three dollars nor more than one hundred dollars.

Power to prevent. R. S. Chapter 24, Article V, Section 1, Clause 59.

291 *Disturbing Religious or Other Assembly—Penalty.* SEC. 6. Whoever shall, within the limits of the city, by any menace, profane language, vulgar language, or any disorderly or unusual conduct, interrupt or dis-

turb any congregation of persons while at religious worship, or any other lawful assembly of persons, or the peace and quiet of any private family, within the limits of the city, shall, on conviction, be fined not less than three dollars nor more than one hundred dollars.

Power to prevent, etc. R. S. Chapter 24, Article V, Section 1, Clauses 59, 72.

292 *Disturbing Funeral.* SEC. 7. Whoever shall wilfully interrupt or disturb any funeral assembly or funeral procession, or any school or other assemblage of persons met for a lawful purpose, shall, on conviction, be fined not less than three dollars nor more than two hundred dollars.

Power to prevent, etc. R. S. Chapter 24, Article V, Section 1, Clause 59.

293 *Going About Armed -- Flourishing -- Penalty.* SEC. 8. Whoever shall go about the city armed with a gun, sword, pistol or other dangerous or deadly weapon, or shall in any place in the city flourish or display any such weapon in a threatening or dangerous manner, shall, on conviction, be fined not less than twenty-five dollars nor more than two hundred dollars.

Power of city to prevent. R. S. Chapter 24, Article V, Section 1, Clause 66.

294 *Carrying Concealed Weapons--Penalty.* SEC. 9. Whoever, except peace officers, shall, within the limits of the city, carry or wear under his clothing, or concealed about his person, any pistol, slung-shot, or cross-knuckles or knuckles of lead, brass or other metal, or any bowie-knife, or dirk-knife, or dirk, or dagger, or any other dangerous or deadly weapon, shall, on conviction, be fined not less than twenty-five dollars nor more than two hundred dollars.

Power to prevent. R. S. Chapter 24, Article V, Section 1, Clauses 59, 66.

295 *Immoderate Driving and Racing--Penalty.* SEC. 10. Whoever shall be guilty of driving at a rapid or

immoderate rate, or of racing, within the limits of the city, or of otherwise driving or riding therein in such a manner as to endanger the life, limbs or property of other persons, shall, on conviction, be fined not less than three dollars nor more than one hundred dollars.

Power to regulate, etc. R. S. Chapter 24, Article V, Section 1, Clause 21.

296 *Routs and Riots—Penalty.* SEC. 11. If two or more persons meet to do an unlawful act upon a common cause of quarrel, within the limits of the city, and make advances toward such act, they shall be deemed guilty of rout, and on conviction shall severally be fined not less than three dollars nor more than one hundred dollars. But if two or more persons actually do an unlawful act with force or violence against the property of another, with or without a common cause of quarrel, they shall be deemed guilty of a riot, and, on conviction, shall severally be fined not less than three nor more than one hundred dollars.

Power to regulate, etc. R. S. Chapter 24, Article V, Section 1, Clause 72.

297 *Not Permitted to Lounge on Streets—Penalty.* SEC. 12. Whoever shall obstruct or encumber any street or street corner, or any public place of the city, by lounging in or about the same, and after being ordered to move on by any police officer, the person so offending shall be subject to a penalty of not less than three dollars nor more than fifty dollars for each offense.

298 *Vicious or Mischievous Animals not Allowed—Penalty.* SEC. 13. Whoever shall knowingly permit or allow any vicious, unruly or mischievous animal, owned or kept by him, to escape from his custody or control within the city limits, or shall exhibit such animal or animals in the streets, alleys or other place within said city to the annoyance or danger of any person, or the injury or damage of any property, shall be subject to a

fine of not less than five dollars nor exceeding fifty dollars.

299 *Disorderly House for Idleness, Gaming, Etc.—Penalty.* SEC. 14. Whoever shall keep a common, ill-governed and disorderly house, to the encouragement of idleness, gaming, drinking, fornication or other misbehavior, shall be fined not less than ten dollars and not exceeding two hundred dollars.

300 *Throwing Stones, Etc., in Public Places—Penalty.* SEC. 15. No boy or other person shall purposely or heedlessly cast or throw any stone, brickbat, clod or other missile from or into any public place, or at any house or person, within the city, under a penalty, in each case, of not less than one dollar nor exceeding five dollars.

301 *Climbing on Vehicles While in Motion. Penalty.* SEC. 16. No boy or other person shall climb upon or into any wagon, carriage, sleigh or other vehicle, while the same may be in motion, or attach his sled or cart to any such vehicle, without the consent of the driver thereof, or shall otherwise wilfully molest or annoy any person in said city, under a penalty of not less than one dollar nor more than five dollars in each case.

302 *Playing or Pitching Ball, Etc., Prohibited—Penalty.* SEC. 17. It shall be unlawful for any person or persons to play baseball or to throw, pitch or toss any baseball, catch ball, yarn ball, rubber ball, yarn and rubber ball, snow ball, or other ball, or fly or raise any kite, on any of the streets, avenues, sidewalks or alleys, or engage in any sport or exercise likely to frighten horses, injure passengers, embarrass the passage of vehicles or obstruct the business of other people within the limits of the city. Every person who shall violate the provisions of this section shall, on conviction, be fined not less than one nor more than ten dollars.

ARTICLE II.

OFFENSES AGAINST THE POLICE AND MORALS OF THE CITY.

303 *Drunkenness—Penalty.* SECTION 1. Whoever shall be found in any street, alley or other public place, or in any private house or place, to the annoyance of any person, within the limits of the city, exposed to public view therein in a state of intoxication or drunkenness, shall, on conviction, be fined not less than three nor more than fifty dollars; *provided*, a trial of such person shall not be had for such offense until he or she shall have become sufficiently sobered as to have reasonable control of his or her mental faculties, but he or she may be confined or kept from public view until in a fit condition for trial.

Power to prevent, etc. Chapter 24, Article V, Section 1, Clause 59.

304 *Firearms Fireworks, Etc., Prohibited.—Penalty.* SEC. 19. Whoever, within the limits of the city, shall fire or discharge any gun, cannon, fowling piece, pistol or firearms of any description, or fire, explode or set off any squib, cracker or anything containing powder or other explosive substance shall, on conviction, be fined not less than three nor more than fifty dollars; *provided*, this section shall not apply to the burning of powder upon national holidays or to the celebration of general and public events; *and provided, further*, that it shall be unlawful for any person or persons to fire or discharge any giant firecracker or dynamite stick at any and all times whatsoever national holidays and the celebration of general and public events not excepted, under a penalty of not less than three dollars nor more than fifty dollars.

Power to control, etc. Chapter 24, Article V, Section 1, Clause 65.

305 *Obscene Literature, Pictures, Etc., Prohibited—Penalty.* SEC. 20. Whoever, upon any building, bulletin board, post, pole, fence or other structure or thing, or in any public place, within the limits of the city, shall write, mark, cut, draw, paint or otherwise make, or shall leave, put up or expose to view any obscene, lewd or indecent word, line, sentence, picture, painting, drawing or other character or caricature, and whoever shall, within the limits of the city, sell, expose or offer for sale, circulate, distribute or expose, or offer for circulation or distribution, whether for gain, fee or reward, or gratuitously, any obscene, lewd or indecent book, pamphlet, circular, periodical, paper, picture, drawing, painting or other character or caricature shall, on conviction, be fined not less than three nor more than two hundred dollars.

Power to prevent, etc. R. S. Chapter 24, Article V, Section 1, Clauses 18, 66.

306 *Disorderly House—Penalty.* SEC. 21. Whoever, within the limits of the city, or within three miles of the outer boundaries thereof, shall keep or maintain, or in any house or place owned, possessed, occupied or controlled by him, his agents or servants, shall suffer or permit to be kept or maintained, an ill-governed or disorderly house, bawdy house, house of illfame, or assignation house, shall, on conviction, be fined not less than three nor more than one hundred dollars.

Power to prohibit. R. S. Chapter 24, Article V, Section 1, Clause 45. Ibid, Sections 245, 246.

Disorderly house—what deemed. R. S. Chapter 38, Section 57.

See Bouv. Dic. under “House of Illfame” and the authorities there cited.

307 *Fornication—Keeping House or Women for Practice Of—Penalty.* SEC. 22. Whoever, within the limits of the city, or within three miles of the outer boundaries thereof, shall live in a state of open adultery or fornication, or shall keep or maintain any house or place for the practice of adultery or fornication, or other

act or acts tending to debauch the morals of the city; or shall, in any house or place owned, kept or occupied by himself, his agents or servants, procure or permit any person to practice adultery, fornication or other act of lewdness or indecency; or shall keep or maintain, or procure, or suffer to be kept or maintained, in any house or place, any whore, common strumpet, or other lewd or abandoned woman or women for the practice or to the encouragement of adultery or fornication or other lewd or lascivious act or acts tending to debauch the morals of the city, shall, on conviction, in either or any such case, be fined not less than three nor more than one hundred dollars.

Fornication defined. Bouv. Dictionary, title "Fornication."

308 *Frequenting House of Illfame, Etc.—Penalty—* SEC. 23. Whoever, within the limits of the city, or within three miles of the outer boundaries thereof, shall frequent, live in, loiter about, or in any manner encourage or contribute to the support of, or be maintained or supported by the earnings of, or shall permit or entice any minor to visit or frequent any ill-governed or disorderly house, bawdy house, house of illfame or assignation house, or whoever shall live, or be maintained upon or by the earnings of any whore, common strumpet, or other lewd woman, shall, on conviction, be fined not less than ten nor more than two hundred dollars.

309 *Prostitutes—Street Walkers—Penalty.* SEC. 24. Whoever, being a female, within the limits of the city, shall procure, solicit or suffer the prostitution of her person with acts of fornication or other lewdness shall, on conviction, be fined not less than three nor more than one hundred dollars. And any female of lewd or abandoned character who shall be found loitering in or about any street, alley or other public place at late and unusual hours of the night time, unaccompanied by any other person, and under such circumstances as are wholly inconsistent with prudent and virtuous inten-

tions, shall, on conviction, be fined not less than three nor more than one hundred dollars.

Power to restrain and punish. R. S. Chapter 24, Article V, Section 1, Clause 74.

310 *Indecent Exposure of Any Animal—Penalty.* SEC. 25. Whoever, being the owner or keeper of any stallion, jackass, or bull above the age of two years, shall expose the same to public view, within the limits of the city, by hitching or leaving the same standing or remaining in any public place, or in any other manner shall instigate, cause or procure, or in any manner assist in any indecent exhibition of any animal, or shall exhibit or perform any indecent, immoral or lewd play or show or representation of any kind, shall, on conviction, be fined not less than five nor more than one hundred dollars.

311 *Cock Fighting, Etc.—Prohibited—Penalty.* SEC. 26. Whoever, within the limits of the city, shall instigate, cause or procure any dog fight, prize fight, cock fight, or any public or private fighting, shall, on conviction, be fined not less than five nor more than fifty dollars.

312 *Gaming—Penalty.* SEC. 27. Whoever, within the limits of the city, shall play for money or other valuable thing at any game with cards, dice, checks or with any other article, instrument or thing whatever which may be used for the purpose of playing or betting upon, or winning or losing money or anything of value, or shall bet on any game others may be playing, shall, on conviction, be fined not less than ten nor more than one hundred dollars.

Power to prevent. R. S. Chapter 24, Article V, Section 1, Clause 45.

313 *Keeping Gaming House, Etc.—Prohibited—Penalty.* SEC. 28. Whoever, within the limits of the city, shall keep a common gaming house, or in any building, booth, yard or other place by him or his agent used or occupied, procure or permit any persons to frequent or

come together to play for money or other valuable thing at any game, or shall keep or suffer to be kept any tables or other apparatus for the purpose of playing at any game or sport for money or any valuable thing, or shall keep or rent any such place for any such purpose, shall, on conviction, be fined not less than twenty-five nor more than two hundred dollars.

Power to prevent, etc. R. S. Chapter 24, Article V, Section 1. Clause 45.

314 *Adulterating Foods, Etc.—Penalty.* SEC. 29. Whoever, within the limits of the city, adulterates or renders unwholesome any bread or other substance intended for food, or any candy or confectionery, or any liquor used or intended for drink, or any milk, or whoever knowingly sells, keeps or offers for sale any adulterated or unwholesome food, candy, confectionery, liquor or milk, shall, on conviction, be fined not less than ten nor exceeding one hundred dollars.

City has power to regulate, etc. R. S. Chapter 24, Article V, Section 1, Clauses 50, 51, 52, 53, 54, 55.

Criminal code. R. S. Chapter 38, Division I, Sections 7, 8, et. seq.

315 *Cheating by False Weights and Measures—Penalty.* SEC. 30. Whoever, within the limits of the city, cheats another by the use of false weights or measures in the sale and purchase of articles of food or merchandise, or whoever knowingly uses or keeps for use in the sale of articles of food or merchandise any false or incorrect weights or measures, or any improperly balanced scales or steelyards, with intent to cheat therein in the sale or purchase of articles of food or merchandise, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars.

Power to regulate, etc. R. S. Chapter 24, Article V, Section 1, Clauses 52, 53, 54, 55.

316 *Amusement—Keeping Open on Sunday—Penalty.* SEC. 31. Whoever, within the limits of the city, keeps, or knowingly procures or suffers to be kept, open on the

Sabbath day any ball room, dance house, billiard room, pin or ball alley, show or other similar exhibition, or any other place of amusement, shall, on conviction, be fined not less than three nor exceeding one hundred dollars.

Power to regulate places of amusement. R. S. Chapter 24, Article V, Section 1, Clause 58.

317 *Appearing in Strange Dress—Penalty.* SEC. 32. Whoever, within the limits of the city, shall appear or go about clad in, or clothed or covered with, a dress or costume, or wearing apparel or habiliments not belonging to or worn by his or her sex, shall, on conviction, be fined not less than one dollar nor exceeding ten dollars: *Provided*, this section shall not apply to the celebration of Hallow'en, national holidays, or of general and public events.

See note to section 33.

318 *Indecent Exposure of Person—Penalty.* SEC. 33. Whoever, in any street, alley or other place, within the limits of the city, shall make any obscene or indecent exposure of his or her person, or any part or portion thereof, shall, on conviction, be fined not less than five dollars nor exceeding two hundred dollars.

See note to section 66.

319 *Confidence Game—Cappers—Enticing Persons to Enter Gaming House—Penalty.* SEC. 34. Whoever shall practice any confidence game within the city limits, or shall be guilty of decoying, enticing, or in any manner inducing another to engage in any game of chance with cards, dice, or by any other device by which money or other valuable thing may be won or lost, or shall act in the capacity of a "capper," "booster" or confidence man, and by use of intoxicating liquors or through the aid of lewd women or otherwise entice or allure any person to enter any apartment, room or gaming house with intent to deprive or defraud such person of money or other valuable thing, shall, on conviction, be fined

not less than ten dollars and not more than two hundred dollars.

320 *Women Frequenting Wine Rooms or Saloons Prohibited.* SEC. 35. It shall not be lawful for any owner of any saloon, or other place where vinous, spiritous, malt or fermented liquors are sold or given away, to employ any female having the reputation of being lewd as waiters or as carriers of beer or any other thing, or to permit or suffer such female or females to frequent his or her place where any such liquors are sold or given away, nor shall it be lawful for any such person to have, permit, or suffer any dance, ball or other amusement in his premises where such liquors are sold or given away or place occupied by him or under his control, or permit or suffer any female having the reputation of being lewd to attend any such dance, ball or amusement; nor shall it be lawful for any female having the reputation of being lewd to frequent or enter any wine room or other place where intoxicating liquors are sold or given away. Whoever shall be guilty of any of the offences herein mentioned shall, on conviction, be fined not less than three dollars nor exceeding twenty-five dollars.

321 *Idling About Depots.* SEC. 36. Any person who shall, within the limits of the city, idle, loaf or loiter in or around the depot of any railway, or upon the platform or grounds adjoining used in connection therewith, and any person who shall idle, loaf or loiter upon any fence upon said grounds in such a way as to impede or obstruct or annoy or be offensive to persons passing to and from said depot or waiting there, or shall jump upon or from any locomotive engine, car or train of cars while the same are in motion, shall be fined not less than three dollars nor more than fifty dollars.

322 *Loitering of Females on Streets—Penalty.* SEC. 37. Any person, being a female, who shall in any man-

ner ply her vocation upon the streets, alleys, public places or parks of said city by loitering therein, or in any manner soliciting to acts of lewdness, or who shall be found loitering on the streets at any time, shall, on conviction, be fined not less than three dollars nor more than one hundred dollars for each offense.

323 *Collecting Crowd on Sidewalk, Etc.—Refusing to Disperse—Penalty.* SEC. 38. Whoever, by any outcry, harangue, loud talk or other loud or unusual noise, shall assemble, gather or collect together, or cause to assemble, gather or collect together, upon or in any sidewalk, crosswalk, crossing or pavement, or in front of any postoffice or other like public place, or in front of any private residence, within the limits of the city, any crowd, assembly or congregation of persons exceeding five in number; and whoever, being one of or in or among any crowd, assembly or congregation of persons exceeding five in number, at, upon or in any such place, shall refuse, fail or neglect to disperse, leave or separate from any such crowd, assembly or congregation when ordered by any officer so to do, shall, on conviction, be fined not less than three nor more than one hundred dollars; and it is the duty of the day marshal, night marshal and all police officers to see that this section is rigidly enforced; *provided*, that nothing herein, or any other section of this ordinance contained, is intended to apply to the case of any sale in pursuance of any law or the judgment of any court.

Power of city, etc. R. S. Chapter 24, Article V, Section 1, Clauses 66, 72.

324 *Dog, Whelp or Other Animal Not to Be Left Tied, Etc.—Penalty.* SEC. 39. Whoever, within the limits of the city, shall keep any dog, whelp, calf or any other animal shut up or tied up in any yard, house, pen or other place, which by barking, howling or by other noises, shall disturb the peace and quiet of any family, individual or neighborhood, shall, on conviction, be fined not less than three nor more than fifty dollars.

See note to section 43.

ARTICLE III.

MISCELLANEOUS OFFENSES.

325 *Loafers, Beggars, Etc., Prohibited—Penalty.* SEC. 40. Whoever, being able to labor and maintain himself or herself in some legitimate manner, shall be found within the limits of the city without any known or visible means of sustaining himself or herself, going about begging, pilfering or using any juggling or any other unlawful games or plays, or who wilfully neglects all lawful employment, or who wilfully fails, neglects or refuses to provide for himself or herself, or habitually misspends his or her time frequenting houses or places of illfame, or houses or places where liquor is sold or drank, or who habitually indulges to excess in intoxicating liquors or, otherwise habitually leads an idle, dissolute or immoral course of life, or who shall habitually sleep in the open air, sheds, box cars, stables or out-houses without being able to give a good account of himself or herself, shall be deemed a vagrant, and, on conviction, shall be fined not less than five nor more than two hundred dollars.

Power to prohibit, etc. R. S. Chapter 24, Article V, Section 1, Clause 74.

326 *Aiding Prisoner to Escape.* SEC. 41. Whoever, within the limits of the city, shall abet, aid or encourage the rescue or escape from prison of any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means of escape while in prison or in the custody of any officer of said city, shall, on conviction, be fined not less than ten nor more than two hundred dollars.

Power of city council. R. S. Chapter 24, Article V, Section 1, Clause 69.

327 *Bicycles, Etc., on Sidewalk Prohibited—Penalty.* SEC. 42. Whoever, within the limits of the city, shall ride any bicycle, tricycle or other vehicle upon any sidewalk shall, on conviction, be fined not less than three nor more than twenty-five dollars.

To prevent encroachments on sidewalks, etc. R. S. Chapter 24, Article V, Section 1, Clause 10.

328 *Tormenting Children—Penalty.* SEC. 43. Whoever, within the limits of the city, shall maliciously or wilfully tease, torment or worry any child under sixteen years of age by indecently exposing the person of such child, or in any other wanton manner, shall, on conviction, be fined not less than three nor more than fifty dollars.

329 *Hitching on Sidewalk, Etc., Prohibited—Penalty.* SEC. 44. Whoever, within the limits of the city, shall fasten or leave standing any horse or other animal on any paved or improved sidewalk, or shall leave standing unfastened therein any horse or other animal, or team of horses or other animals in harness or attached to any wagon or other vehicle so that the same may be liable to run away, or cause, suffer or allow any of the same to pass through any street, alley or public place without a suitable driver, or ride or drive any of the same violently through or along any street, alley or public place, or stop any team at the regular crossing of streets so as to prevent free passage for foot passengers, or fasten any such animal aforesaid in such a way that the animal or vehicle, reins or lines attached to said animal shall obstruct the free use of the sidewalk, shall, on conviction, be fined not less than three nor more than fifty dollars.

Power of city to regulate. R. S. Chapter 24, Article 5, Section 1, Clauses 10, 14, 21.

330 *Hitching—What Prohibited—Penalty.* SEC. 45. Whoever shall, within the limits of the city, fasten any horse or other animal to any fence, railing or tree or boxing around any tree without consent of the owner thereof, or to any shade or ornamental tree or the box-

ing or railing around the same, which may be standing or growing upon any street of the city, or shall cut, injure, bend or climb upon any shade or ornamental tree or boxing around the same standing upon any street of the city, shall, on conviction, be fined not less than three nor more than fifty dollars.

Power to regulate. R. S. Chapter 24, Article V, Section 1, Clause 9.

See *Baker vs. Town of Normal*, 81-108.

331 *Not to Obstruct Streets—Penalty.* SEC. 46. No person shall, within the limits of the city, encumber or obstruct any street, alley or sidewalk or any part thereof, with building materials, wagons, buggies, implements, boxes or any article or thing whatever without first having obtained the written permission of the mayor; nor shall any person, except in case of urgent necessity, obstruct more than one-third of any street and no part of any sidewalk; *provided*, the above shall not apply to hitched wagons and teams and the use of the streets for travel, traffic, etc. Any person violating any of the provisions of this section shall, on conviction, be fined not less than five nor more than fifty dollars.

Power to regulate. R. S. Chapter 24, Article V, Section 1, Clause 17.

See *Nelson vs. Godfrey*, 12 Ill., 20.

332 *Injury to Sidewalks and Crosswalks.* SEC. 47. Whoever shall, within the limits of the city, injure or tear up any pavement, side or crosswalk, or any part thereof, or dig any hole, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from, any street, alley or public ground of said city, without first having obtained the written permission of the mayor so to do, shall, on conviction, be fined not less than five nor more than fifty dollars.

Power to prevent. R. S. Chapter 24, Article V, Section 1, Clause 15.

See *Seneca Falls vs. Zalniski*, 15 N. Y., 571.

City of Chicago vs. Hay, 75 Ill., 530.

333 *Sale of Diseased Meats Prohibited—Penalty.* SEC. 48. Whoever shall, within the limits of the city, knowingly sell, or expose or offer for sale, any sick or diseased animal, poultry or fish, to be used or eaten as food, or the flesh of any diseased, sick or otherwise unwholesome dead animal, poultry or fish, or the flesh of any animal, fowl or fish not used or deemed wholesome for food, or any other unsound or unwholesome or adulterated provisions or articles of food, or any pernicious or adulterated milk, drink or liquors, shall, on conviction, be fined not less than five nor more than one hundred dollars.

Power of city to regulate. R. S. Chapter 24, Article V, Section 1, Clause 50.

334 *Defacing Posters, Etc., Prohibited—Penalty.* SEC. 49. Whoever shall, within the limits of the city, wilfully and maliciously tear down, mutilate and deface, or render illegible, any notice, hand-bill or poster lawfully posted upon any street, alley or other place in said city, shall, on conviction, be fined not less than five nor more than fifty dollars.

Power of city to regulate. R. S. Chapter 24, Article V, Section 1, Clause 17.

335 *Encroaching on Sidewalk Prohibited—Penalty.* SEC. 50. Whoever shall, within the limits of the city, make or cause to be made any structure, enclosure, fence, cellar door, stairway or building encroaching in whole or in part upon any street, alley or sidewalk of said city, shall, on conviction, be fined not less than five nor more than two hundred dollars. A municipal corporation has no power to authorize the owner of a lot to erect a stairway extending into a public street or alley; such a structure is in itself a nuisance.

Pettis vs. Johnson, Supreme Court of Indiana. Reported in Monthly Jurist, 1877, p. 368.

To prevent encroachments. R. S. Chapter 24, Article V, Section 1, Clause 10.

336 *Turning Water From Hose on Person or Premises—Penalty.* SEC. 51. Whoever, within the limits of the city, shall wilfully turn any stream of water from any fire hose or hydrant upon any other person, or the property or premises of any other person, shall, on conviction, be fined not less than three dollars nor exceeding twenty-five dollars.

337 *Posting Bills, Etc., Prohibited—Penalty.* SEC. 52. Whoever shall paste, put up, paint, nail, stick or in any other manner fasten to any lamp, lamp post, telegraph, telephone or electric light pole or mast or street guide post, or to any ornamental or shade tree, or to or against any city or other public building, within the limits of the city, or shall, without the consent of the owner or occupant, paste, put up, paint, nail, stick or in any manner fasten to or upon any private wall, door, gate, building, fence or other structure any hand bill, show bill, placard, notice, announcement or other advertisement, shall, on conviction, be fined not less than one dollar nor more than twenty-five dollars.

To prevent use of streets for, etc. R. S. Chapter 24, Article V, Section 1, Clauses 17, 18.

338 *Malicious Mischief.* SEC. 53. Whoever, within the limits of the city, shall wilfully and maliciously tear up, injure, deface or destroy any sidewalk, curbing street paving or crossing upon any street, alley or public ground; or any fire alarm, or sewer, drain or any other municipal improvement; or any building or bridge or any other property, real or personal, belonging to the city or belonging to any private person within or without the city; or any property used in any business impressed with a public interest and usually designated as a public service corporation, viz: water works, gas, electric light, telegraph, telephone, street railway or steam heating companies; or who shall maliciously and wilfully interfere or meddle in any way with the operation of any such business or property as before enumerated, shall, in either case, be fined not less than five nor more than one hundred dollars.

339 *Trespass—Penalty.* SEC. 54. Whoever shall be found trespassing upon the premises of another within the limits of the city, or whoever shall trespass upon any private premises or public grounds and injure, destroy or carry away any flower, fruit, vegetable, plant, shrub, tree or other thing which may be there for ornament or otherwise shall be subject to a penalty of not less than three dollars and not exceeding one hundred dollars.

340 *Sling Shots, Etc.* SEC. 55. The use of sling shots or similar instruments or devices for the projection or throwing of stones, bullets or any hard substance is prohibited, and likewise it is prohibited for any person to have the same in possession, under a penalty in either case of not less than one dollar nor more than twenty dollars, and it is hereby made the duty of every police officer to take possession of and destroy every such sling shot or other instrument.

341 *Possession of Burglar Tools—Penalty.* SEC. 56. Whoever shall have in his possession any nippers of the description known as burglars' nippers, or any pick-lock, skeleton key, key to be used with a bit or bits, jimmy or other burglars' tool or instrument of whatever kind or description, unless it be shown that such possession is innocent or for a lawful purpose, shall be fined not less than twenty-five dollars nor more than two hundred dollars.

342 *Loitering of Boys About Churches—Penalty.* SEC. 57. It shall be unlawful for boys to loiter or congregate upon the streets, sidewalks or alleys of this city in the vicinity of any church, school, theater, hotel, railroad depot, store, factory or other public place to the annoyance or disturbance of any person or persons. Any two or more boys who shall be loitering or strolling about the streets or alleys, or who shall congregate upon the streets, sidewalks or alleys of the city in the vicinity of any such church, school, theater, hotel, railroad depot, store, factory or other public place, and who shall re-

fuse to disperse and go to their respective homes when requested to do so by any member of the police force or by any person annoyed thereby, shall, on conviction, be fined not less than one dollar nor more than ten dollars for each offense.

343 *Lotteries — Penalty.* SEC. 58. Whoever shall maintain or run or be in any way connected with any lottery, or in any other enterprise or business by whatever name the same may be known, wherein any property is sold or disposed of by chance, or whoever shall sell or dispose of any lottery ticket or share or any chance, or any article or thing entitling or purporting to entitle the purchaser thereof to any chance, or whoever shall sell or dispose of any package or article purporting to contain a prize, or where as an inducement it is held out that such article or package may contain a prize or may entitle the purchaser to some article or thing of value not directly contemplated and known in the purchase, shall, on conviction, be fined not less than five dollars nor more than one hundred dollars.

344 *Vagrants—Penalty.* SEC. 59. Any person who is a vagrant or vagabond, or whoever is guilty of vagrancy as defined by the statutes of this State, shall be fined not less than ten dollars nor more than one hundred dollars.

345 *Burning Papers, Shavings, Etc. in Public Place—Penalty.* SEC. 60. No person, unless it may be raining at the time, or the air be still, shall set fire to or burn any papers, shavings, straw or other combustible materials in any open or public place within the city; nor shall any person, at any time, set fire to or burn any such combustible materials within thirty feet of any building or other property likely to be endangered or damaged thereby, under a penalty, in each case, of not less than three dollars nor more than twenty dollars.

346 *Straw or Shavings Not to be Strewn Near Any Building—Penalty.* SEC. 61. No person shall strew,

trail or leave any shavings, straw or other like combustible materials in, around or near any building or other property so as to endanger or be likely to endanger or damage the same in case of fire, under a penalty of not less than one dollar nor more than five dollars for each offense.

347 *Accessories—Penalty.* SEC. 62. Whoever aids, abets, assists, advises or encourages the commission of any act prohibited by ordinance, or by any direct means procures any such offense to be committed, or whoever commits an offense through the intervention of an agent, servant, employe or person under his control, shall be deemed guilty to the same extent, and may be proceeded against in the same manner, as though said offense had been committed by him directly and with his own hand; and any such agent, servant or other person doing any prohibited act for and on behalf of another shall be deemed guilty of such act equally with his employer or principal, and be subject to the same penalty, except in such cases where a different or other penalty is provided by ordinance for such agent or employe.

348 *Attempt—Penalty.* SEC. 63. Whoever attempts to commit any offense prohibited by ordinance, and does any act toward it but fails, or is intercepted or prevented in its execution, where no express provision is made by ordinance for the punishment of such attempt, shall, on conviction of such attempt, be subject to the same penalty as by ordinance prescribed for the actual commission of the offense.

349 *Assault With Deadly Weapon—Penalty.* SEC. 64. Whoever, within the limits of the city, shall commit an assault with a deadly weapon shall, upon conviction, be fined not less than twenty-five dollars nor to exceed two hundred dollars for each offense.

Forbidden by statute. R. S. Chapter 38, Criminal Code, Section 25.

Deadly weapons. Chapter 38, R. S., Criminal Code, Sections 54a-54g.

What is a deadly weapon. *Greshia vs. People*, 53 Ill., 299; *Silgar vs. People*, 107 Ill., 573; *Hamilton vs. People*, 113 Ill., 38; *McNary vs. People*, 32 Ill. App., 62.

A deadly weapon is a weapon likely to produce death or great bodily harm by the use made of it. *McNary vs. People*, 32 Ill. App., 62.

ARTICLE IV.

PRACTICE.

350 *Process—Summons—Warrant—Complaint.* SEC. 65. The first process in all actions to recover any fine or penalty for a violation of any ordinance shall be a summons; *provided, however*, that a warrant for the arrest of any offender may issue in the first instance upon the affidavit of any person that any ordinance has been violated and that the person making the complaint has reasonable grounds to believe the party charged with such violation is guilty. Such complaint may be in the following form:

STATE OF ILLINOIS, }
COUNTY OF JACKSON, } ss.
City of Carbondale, }

....., being duly sworn, on oath states that section.....of chapter.....of the revised ordinances (or section.....of ordinance number....., as the case may be,) of the city of Carbondale has been violated; that he has reasonable grounds to believe, and does believe, that.....did, on the.....day of.....A. D. 19....., at and within the limits of said city, in the county and State aforesaid, commit the said violation and was and is

guilty thereof in this: (Here state the offense and the manner of committing the same.)

Wherefore, he prays that a warrant may issue for the arrest of the said.....

Subscribed and sworn to before me, this.....of
.....A. D. 19....

.....
Police Magistrate.

Provisions of statutes. Chapter 24, Article V, Sections 5, 7. An action to recover for violating ordinances is a civil action. *Hoyer vs. Mascoutah*, 59 Ill., 137; but defendant can not be compelled to testify against himself. *Day vs. City of Clinton*, 6 Ill. App., 476.

Several fines for violations may be recovered in one action if the whole sum does not exceed two hundred dollars. *Hensoldt vs. Petersburg*, 63 Ill., 111.

Imprisonment may properly follow the non-payment of the fine. *Ex parte Bolling*, 31 Ill., 88.

Section 12 of Article II of the constitution of 1870, in relation to imprisonment for debt, has no reference to suits for torts or penalties. *People vs. Cotton*, 14 Ill., 414; 28 Ill., 343; 43 Ill., 213.

351 *When Warrant to Issue—Duty of Marshal.*
SEC. 66. Upon the making and filing of such complaint with the police magistrate a warrant shall immediately issue directed to one of the city marshals, the sheriff or any constable of the county, commanding him to arrest the person charged and bring him, her or them, without unnecessary delay, before the police magistrate or some justice of the peace of the city for trial. And it is also made the duty of the city marshals, and every police officer, without warrant, to arrest any person whom he may find in the act of committing any crime or violating any ordinance, and in like manner take him or her before the police magistrate or some justice of the peace to be there tried.

Arrests without warrant. R. S. Chapter 38, Sections 340–346.

Kindred vs. Stitt, 51 Ill., 401; *Shanley vs. Wells*, 71 Ill., 78.

352 *Trial—Time to Procure Evidence—Recognizance.*
SEC. 67. When such offender or offenders are brought

before the police magistrate or justice of the peace, he shall, unless a jury be demanded as hereinafter provided, proceed, without unreasonable delay, in a summary manner, to hear the evidence in the cause and render judgment thereon; *provided*, the said magistrate or justice shall allow a reasonable time for procuring the attendance of witnesses, both for the city and for the defense, and during such time may, in his discretion, order the officer having the prisoner in charge, or other officer, to retain the defendant or defendants in custody, or he may take recognizance from such defendant or defendants in a sum and with security to the satisfaction of the magistrate or justice for his or her or their appearance for further proceedings in the case; *provided, however*, no such delay for procuring the attendance of witnesses shall exceed twenty-four hours unless the case be regularly continued as hereinafter provided.

353 *Recognizance—Form Of.* SEC. 68. The recognizance provided for in the preceding section shall be for the appearance of the defendant or defendants on the day and hour set for trial, and shall obligate the sureties or surety to pay whatever penalty in said recognizance is mentioned, and may be in the following form:

STATE OF ILLINOIS,)
COUNTY OF JACKSON,) ss.
City of Carbondale,)

KNOW ALL MEN BY THESE PRESENTS: That we....

.....
all of said county, are held and firmly bound unto the city of Carbondale in the sum ofdollars, to be levied of our respective goods and chattels, lands and tenements, if default be made in the premises and conditions following, to-wit:

Whereas, the above bounden.....
was on this.....day of....., A. D. 19.....,
arrested and brought before one.....
police magistrate in and for the said city, county and

State aforesaid, for examination touching and concerning a charge preferred against him by one
, to-wit: A charge of
 and
 the said examination is continued by the said police magistrate until the day
 of, A. D. 19...., at ... o'clock m.

The condition of the above obligation is such, that if the above bounden shall be
 and appear before the said police magistrate on the day and date last above mentioned, at the hour aforesaid, to answer and be examined concerning the charge aforesaid, and not depart the said court without leave, and obey its orders, then this obligation to be void, otherwise to remain in full force and effect.

..... (Seal.)

..... (Seal.)

..... (Seal.)

Approved:

.....
 Police Magistrate.

354 *Default—Scire Facias—Trial.* SEC. 69. If default be made on the recognizance provided for in the preceding section, the magistrate shall record the fact on his docket, and shall proceed to the trial of the complaint on its merits as the law directs, and shall render judgment for or against the defendant or defendants, as the justice of the case requires, and shall then issue a *scire facias* against the parties to said recognizance to show cause why they should not be made parties defendant to said judgment, which *scire facias* shall be served and returned in like manner, and all proceedings thereon be the same as in like proceedings before justices of the peace; *provided*, that no judgment shall be rendered on the recognizance for a larger amount than the total of the fine so imposed against the defendant or defendants and costs in the original complaint and the costs of the *scire facias*.

355 *Continuance—Affidavit—Recognizance.* SEC. 70. The magistrate or justice may, for good cause shown, continue any cause, not exceeding ten days at any one time, upon the application of any party, either for the city or the defense, but such application shall be supported by affidavit setting forth the grounds thereof in like manner as is, or may be, required by law for continuances of other causes before justices of the peace; and upon the granting of such continuance the magistrate shall require the defendant or defendants to enter recognizance in a sum and with security to the satisfaction of the magistrate or justice for his, her or their appearance at the time to which the cause is continued, and in default of such recognizance may order him, her or them to be retained in custody by the marshal. In case recognizance is taken and default be made on such recognizance, the like proceedings shall be had as in case of default on other recognizances.

356 *Change of Venue.* SEC. 71. Changes of venue shall be allowed in city cases in the same manner as in other cases before justices of the peace.

357 *Jury Trial—Verdict.* SEC. 72. When any party charged with a violation of the ordinances of the city shall be brought before the police magistrate or any justice of the peace for trial, or at the time to which any cause may have been continued, if the parties be ready for trial and the defendant or defendants shall demand a jury and pay or tender the fees required by law therefor, the magistrate or justice shall immediately issue and deliver to one of the city marshals or other officer attending the necessary writ to summon jurors, which shall be by such officer executed without necessary delay, and when a jury shall have been selected the trial shall proceed before the magistrate or justice and jury in like manner as other jury trials before justices of the peace, and the jury shall render a verdict according to the evidence. If they find the defendant or defendants guilty they shall assess the fine or penalty; and if there be more than one defendant and the jury find one or

part of the defendants guilty and the remainder not guilty, they shall so return in their verdict, stating whom they find not guilty and whom guilty, with the fine or penalty assessed by them. The magistrate or justice shall forthwith record the verdict of the jury and render judgment thereon.

358 *Judgment—Costs.* SEC. 73. In all cases where the defendant or defendants are found not guilty on trial, either by the magistrate, justice, or a jury, he, she or they shall be immediately discharged, and in case there are more than one defendant and part be found not guilty, those shall be discharged. But if the defendants, or a part of them, where more than one are tried, be found guilty, then judgment shall be rendered against him or them so found guilty for the fine or penalty assessed and the costs of suit, which shall include the same fees to and for the magistrate and marshals as are allowed by law to justices of the peace and constables in similar cases, and an attorney's fee of three dollars.

359 *What Persons Not Released.* SEC. 74. No person arrested for the violation of any ordinance of this city shall be released at any time from the custody of said city or other lawful authority so long as the conduct, language and personal appearance of such offender are calculated to lead a prudent and reasonable person to suspect that such person is an idiot or lunatic or so far under the sway of passion or influence of intoxicating liquors that the public peace or security of any person would be jeopardized by the release of such offender. Any officers violating the provisions of this section shall, on conviction, be fined not less than ten nor more than fifty dollars.

360 *Persons Kept Over Sunday, Etc.—Recognizance.* SEC. 75. Any person arrested for any offense under any ordinance of this city may be retained in custody in the city prison or other safe place during Sunday, a national holiday, and over night and for a reasonable

time on all other occasions until such offender can be brought for trial before the police magistrate or proper justice; *provided*, that any such offender so arrested without warrant, except for cause stated in section 74 of this chapter, may, during any time so detained, release his or her body from custody by entering into recognizance as provided for in sections 67 and 68 of this chapter, to appear within three days thereafter before the police magistrate or some certain justice of said city at a day and hour to be fixed, and with security to be approved by the officer making the arrest.

A recognizance entered into on Sunday is valid. *Johnson vs. The People*, 31 Ill., 460.

361 *When Defendant Is Corporation — Procedure.* SEC. 76. Where the offender against any ordinance of the city is a corporation, and upon trial a verdict shall be rendered against such corporation, an ordinary judgment shall be entered and execution issued, and subsequent proceedings of levy and sale be had as are provided for in the statutes of this State in civil cases before justices of the peace.

362 *Fines to Be Paid to City Treasurer.* SEC. 77. All fines, when collected, shall be paid into the city treasury.

363 *Vexatious Suits—Duty of City Attorney In.* SEC. 78. The city attorney shall not be compelled to bring or prosecute any suit where he may be satisfied that the complaint is instituted vexatiously, maliciously or without probable cause, and that the interests of the public or of the city will not be advanced thereby, unless the costs be advanced or a bond be given for the costs.

364 *Mittimus — How Long Continued — Labor on Streets—Form of Mittimus.* SEC. 79. If any fine and costs be not paid upon the rendition of judgment, the magistrate or justice rendering such judgment shall,

unless an appeal be prayed for and perfected, order the marshal to take the defendant or defendants into his custody and keep him, her or them confined in the city jail until such fine and costs be paid; *provided, however*, that imprisonment for any fine or penalty and costs shall not exceed, in any event, six months; and *provided, further*, that all male persons of sufficient physical ability shall be compelled to work on the streets, or on a rock pile to be provided by the city council, under the direction of the city street commissioner, in satisfaction of any fine and costs recovered against such persons at the rate of one dollar per day exclusive of board; and *provided, further, also*, that any person or persons against whom any fine and costs may be adjudged or recovered may replevy the same and avoid imprisonment or labor therefor by entering into recognizance before the magistrate or justice before whom such fine and costs are recovered in double the amount of such fine and costs, with security to the satisfaction of such magistrate or justice for the payment thereof within thirty days. The city mittimus may be in the following form:

STATE OF ILLINOIS,)
 JACKSON COUNTY,)
 City of Carbondale,) ss.

The people of the Staet of Illinois, to the city marshals and keeper of the city jail of the city of Carbondale, Illinois, or any constable of said city, or of said county, or any member of the police force of the city of Carbondale, Illinois,—Greeting:

Whereas, on the.....day of.....
 A. D. 19..., the city of Carbondale, Illinois, recovered before me a judgment for the sum of.....
 dollars penalty and.....dollars and.....
 cents as costs against one.....for the
 violation of section.....of chapter.....of the
 revised ordinances of said city, ordinance numbered
of said city, by.....

Now, this is to command you, in the name and by the authority of said people, to demand of said.....

.....the immediate payment, in lawful money, of said judgment for penalty and costs, and upon his failure or refusal to pay the same, on such demand, that you arrest and take the body of the said..... and him deliver, with this writ, to the keeper of the city jail of said city, and we command you, the said keeper, to receive the body of him, the said and him safely keep in the city jail, or other safe place of custody provided by the authority of said city, and that you credit him with the sum of.....dollar.. for each day actually worked by him under your direction, until said judgment for penalty and costs be fully paid and a proportionate period of time thereafter for any part of said judgment for penalty and costs, less thandollar..; but not for a period of time in excess of six months; unless such judgment for penalty and costs be sooner satisfied or the said
be otherwise lawfully discharged; and, upon such discharge, you, the said keeper, are hereby directed to make due return to me of this writ, with your endorsement thereon, showing the period of imprisonment and the manner of discharge.

Given under my hand and seal this.....day of
, A. D. 19..

..... (Seal.)

Police Magistrate of said City

The above mittimus shall be endorsed on the back in the following form:

MITTIMUS.

City of Carbondale,

vs.

.....

Executed the within writ by demanding of the within named defendant the payment of the said judgment, which he then and there paid, or refused to pay, whereupon I arrested the body of the said defendant and de-

livered him into the custody of the keeper of the city jail, as I am herein commanded, this.....day of19....

..... Marshal.

Defendant received into custody this.....day of..... A. D. 19....

Defendant was imprisoned under this writ.....days.

Defendant worked under my direction upon the streets and other places in said city.....days.

Defendant discharged from custody by order of the mayor on the.....day of... ..19..

Defendant discharged by paying balance of fine and costs, amounting to the sum of.....dollars, this.....day of.....19..

Defendant discharged upon repaying balance of fine and costs.

Defendant was discharged in the following manner:

..... Street Commissioner.

..... City Jailer.

Labor on streets. R. S. Chapter 24, Sections 289, 290, page 338.

365 *Disposition of Fine—City Not Pay Costs.* SEC. 80. All fines shall be paid, when collected, into the city treasury; but the city shall not, in any case, or under any circumstances, be made liable for any part of the costs of any action for the recovery of a penalty for a violation of any ordinance, nor shall any of such costs ever be paid out of the city treasury.

When costs may be paid by the city. R. S. Chapter 53, Section 40, proviso at end of section. Also R. S. Chapter 24, Article V, Section 6.

366 *When Prosecutor to Pay Costs.* SEC. 81. Whenever any defendant or defendants shall have been arrested upon complaint by any private person and shall be acquitted on the trial, if it shall appear to the

court or magistrate before whom such trial shall take place that there was no reasonable ground for such proceeding, or that it was instituted vexatiously and maliciously, without probable cause, such court or justice may render judgment against the person who made such complaint for the costs of such proceeding and issue execution thereon as in other cases.

When complaint not sustained, etc. R. S. Chapter 38, Division V, Section 5.

367 *Appeals.* SEC. 82. Appeals shall be allowed in all cases from judgments of the police magistrate or any justice of the peace in city cases when the same are applied for in the manner prescribed by law.

See *Hoyer vs. Mascoutah*, 59 Ill., 137.

368 *Mayor Not to Remit Fine or Costs.* SEC. 83. The mayor may, when in his discretion he shall deem it proper so to do, release or order the release from custody any person imprisoned for a failure to pay any fine and costs, or either, but such release shall not operate as a satisfaction or discharge of the judgment for such fine and costs, or either, and the mayor has no power or authority to remit any fine or costs imposed for a violation of any city ordinance.

Power of mayor. R. S. Chapter 24, Article II, Section 9.

369 *Process Other Than by Ordinance—Fees, Etc.* SEC. 84. Like process may issue and legal proceedings be had to enforce the ordinances of said city of Carbondale in addition to the remedies in said ordinance prescribed, and like practice rules of evidence and pleading be observed, as now or may hereafter obtain in civil cases before justices of the peace; and the city marshals, city attorney and police magistrate rendering services to said city by virtue of any ordinance of said city or law of said State of Illinois shall, unless otherwise directed by ordinance, charge and be allowed the same fees as are allowed by the statutes of said State for similar services.

CHAPTER XXIV.

RAILROADS.

370 *Rate of Speed Allowed—Obstructing Streets—Limit.* SECTION 1. It shall be unlawful for any railroad company or conductor or engineer, agent or other employe of any railroad company, or other person managing or controlling any locomotive engine, car or train upon any railroad track, to drive, run or propel, within the limits of this city, any passenger train or car at a greater rate of speed than ten miles per hour, nor any freight train or car at a greater rate of speed than six miles per hour; nor in any manner to obstruct the travel or passage along any sidewalk, street or alley of said city by placing or leaving upon, along or across such sidewalk, street or alley any truck, locomotive, car or train of cars, or material or thing whatsoever, for a longer period than five minutes at any one time, and immediately thereafter for the full period of five minutes such sidewalk, street or alley shall not be again obstructed in the manner aforesaid, under penalty of not less than five nor more than twenty-five dollars for each and every offense.

Power to regulate. R. S. Chapter 24, Article V, Section 1, Clause 21.

See Illinois Central R. R. vs. City of Galena, 40 Ill., 345.

371 *Crossings—How Maintained, Etc.* SEC. 2 That any railroad company which may now or hereafter operate any railroad within or through the limits of this city shall construct and maintain safe, commodious

and convenient crossings across the track of said railroad where the same intersects any street, alley, lane or avenue of said city, the full width of such street, alley, lane or avenue, and shall make and maintain sufficient conduits and gutters to carry off all water under or along such railroad track.

Power to regulate. R. S. Chapter 24, Article V, Section 1, Clauses 26, 27.

372 *Street Commissioner to Notify Agent—Forfeiture, Etc.* SEC. 3 The street commissioner shall, from time to time, notify in writing the station agent of any railroad company aforesaid within what time and in what manner the city will require the construction or repair of the crossings, conduits and gutters aforesaid, and upon failure of such railroad company to construct or repair such crossings, gutters and conduits aforesaid, pursuant to the notice aforesaid, such railroad company shall forfeit to said city one hundred dollars; and upon persistent refusal of such company to comply with the notice aforesaid for a period of thirty days after judgment, for the first and each successive forfeiture the said railroad company shall forfeit to said city a like sum of one hundred dollars.

373 *Ringing Bell and Blowing Whistle.* SEC. 4 Any person having the management of any railroad locomotive who shall run or drive the same within the corporate limits of the city without constantly ringing the bell of such locomotive, or who shall start such locomotive without first sounding the whistle or ringing the bell of such locomotive, or who shall blow off steam or unnecessarily blow the whistle of such locomotive when such locomotive is not in motion, at a place and in a manner calculated to frighten teams passing along the streets and alleys of the city, shall, on conviction, be fined not less than five nor more than one hundred dollars.

Power to regulate. R. S. Chapter 24, Article V, Section 1, Clause 27.

374 *Must Keep Lights—How and When.* SEC. 5. Every locomotive engine, railroad car or train of train of cars running in the night time on any railroad in this city shall have and keep, while so running, a brilliant and conspicuous light on the forward end, and while backing a brilliant and conspicuous light on the rear end, of such locomotive engine, car or train of cars. Any railroad company, their agents or employes, failing to observe the provisions of this section shall be liable, jointly and severally, on conviction, to a fine of not less than ten nor more than two hundred dollars.

CHAPTER XXV.

REPORTS OF OFFICERS.

375 *What Officers to Make—When.* SECTION 1. The mayor, city clerk, city treasurer, city attorney, police magistrate, city marshal, night marshal and the street commissioner and sexton shall, unless otherwise by law or ordinance provided, make a report in writing to the city council at each and every regular meeting thereof of the condition of and all matters and things relating to their respective offices.

City council may prescribe duties. R. S. Chapter 24, Article VI, Section 3.

376 *Mayor's Report—What It Shall Show.* SEC. 2. The report of the mayor shall show what, if any, officers have been removed from office by him with the reason therefor; what, if any, orders for license have been

issued by him, to whom, and the bond taken in case a bond is required; what, if any, licenses have been revoked by him with the reasons therefor; and what, if any, persons have been released from imprisonment for fines with the reasons therefor; together with such other matters in relation to his office as he may deem proper for the information of the city council or as the council may require.

Duties and powers of mayor. R. S. Chapter 24, Article II, Sections 1-15.

377 *Clerk's Report—What It Shall Show.* SEC. 3. The clerk's report shall show what, if any, licenses have been by him issued, to whom and what for; what, if any, commissions to officers have been by him issued, to whom and for what offices; what, if any, resignations of officers have been filed in his office with date of filing and when the same shall take effect; what, if any, warrants or orders upon the city treasury have been issued by him, the number thereof, to whom, for what, and on what fund drawn, together with such other matters in relation to his office as he may deem necessary and proper or as the city council may require.

378 *Treasurer's Report—What It Shall Show.* SEC. 4. The report of the city treasurer shall show the amount of money paid into the city treasury, by whom and on what account each payment was made, accompanied by the duplicate of the receipt given by him to the person making such payment; the amount, if any, of money paid out by him as treasurer, showing the amount of and person to whom each and every payment was made, with the number of the warrant or order on which paid and the fund out of which paid; the total number of warrants or orders upon the city treasury paid or redeemed and cancelled and reported to the city clerk with the particular number of each and every such warrant or order; the amount of money in his hands as treasurer, to what funds belonging and the amount of each fund, together with such other matters

in relation to his office as he may deem necessary or proper or as the city council may require.

Treasurer's duties, etc. R. S. Chapter 24, Article VII, Sections 8, 10.

Treasurer's report of funds on hand at end of one term and beginning of another is binding on sureties for second term. *Gage vs. Chicago*, 2 Ill. App., 332.

379 *Annual Report of Treasurer.* SEC. 5. In addition to the monthly report of the treasurer above mentioned the city treasurer shall, for the information of the council and all other city officials, annually make and file a report covering in detail the transactions of his department, and also properly summarizing the same for the fiscal year.

380 *Attorney's Report—What It Shall Show.* SEC. 5. The city attorney shall report what, if any, cases for violations of the city ordinances have been by him prosecuted, before what magistrate or in what courts and against whom; in what cases convictions have been had with the amount of the fine and costs; in what cases appeals have been taken; in what cases he has appeared where the city was defendant, in what courts; what, if any, judgment has been rendered and whether or not in his opinion an appeal is advisable, together with such other matters in relation to his office as he may deem necessary or proper or as the council may require.

381 *Police Magistrate's Report—What It Shall Show.* SEC. 6. The police magistrate's report shall show what, if any, cases for violation of the city ordinances have been brought before him, against whom and for what; who have been discharged; who have been fined, with the amount; what fines have been paid, with the amount; who have been committed to prison. He shall also show what, if any, cases have been brought before him against the city with the result thereof, together with such other matters in relation to his office as he

may deem necessary or proper or as the council may require.

382 *Day and Night Marshals' Reports—What They Shall Show.* SEC. 7. The day and night marshals' reports shall show what, if any, persons have been arrested by them, before whom tried, if tried; who have been fined, with the amount; from whom fines have been collected, with the amount; who have been imprisoned, for what and how long; who, if any, have been delivered into the custody of the street commissioner to work out fines; what, if any, animals have been by them restrained; what, if any, have been reclaimed; what sold, with the amount thereof and the person to whom sold; the night marshal shall report on arc lights, giving in full the number burning, for how long burning, and the number failing to burn and for how long, and such further information in this respect as the city council may from time to time require of him; the amount, if any, of dog tax collected by them; what nuisances have been abated by them with the costs thereof, together with such other matters in relation to their office as they may deem necessary or proper or the council may require.

383 *Report of Street Commissioner—What It Shall Show.* SEC. 8. The report of the street commissioner shall show who have worked upon the streets in satisfaction of fines and costs; what improvements or repairs of streets, sidewalks or crosswalks have been made by him or under his direction; who have been by him notified to work out their street labor; who have worked and how much; who have commuted, with the amount of commutation money paid by each, together with such other matters in relation to his office as he may deem necessary or the city council may require.

384 *Annual Report of Street Commissioner.* SEC. 9. The street commissioner shall also report to the city clerk on the first Monday in May in each and every

year, and at such other times as may by law or ordinance be required, a full, true and correct account of all his acts and doings, stating the total amount of money received by him, on what account and from whom received; the total amount of all liability or expenditures incurred by him in the hire of teams, workmen and laborers, and the purchase and procuring of material, with a statement of each separate item; the total number of accounts by him certified to be correct, with the amount of each account, what for and in whose favor; the amount, if any, of money remaining in his hands. He shall furnish with such report a statement of the condition of all streets and alleys of the city and the requirements thereof, a list of all persons liable for street labor in the city, and shall show who have worked out their street labor, who have commuted, with the amount of commutation money paid by each, who have been fined, the amount of the fine, and whether or not the fine has been collected or worked out; and, at the request of the committee on streets of the council, confer with them touching the estimates of appropriations for street purposes. Such report shall be verified by his affidavit.

385 *What Reports Made Under Oath.* SEC. 10. The monthly reports herein required of the city treasurer, the city marshals and the street commissioner shall be rendered under oath; and the city council may, by ordinance or resolution, require all other reports of city officers to be likewise rendered under oath.

CHAPTER XXVI.

SCALES, LUMBER YARDS AND LIVERY STABLES.

386 *Must Have License to Keep.* SECTION 1. It shall be unlawful for any person or persons, firm, company or corporation to keep or maintain within the corporate limits of this city any public scale, lumber yard or livery stable without first obtaining a license so to do.

Power to license. R. S. Chapter 24, Article V, Section 1, Clause 91.

387 *Tax — Amount — Classification.* SEC. 2. For license to keep or maintain a public scale, lumber yard or livery stable, as mentioned in section 1 of this chapter, there shall be taxed and collected the following sums:

First. For public scale, the sum of three dollars per annum.

Second. For lumber yard, the sum of ten dollars per annum.

Third. For livery stable, the sum of fifteen dollars per annum.

Said amounts to be paid in advance: *Provided*, license to keep a livery stable shall not be deemed a license to run a team of any kind for any purpose whatever for hire other than for the carrying of persons or passengers and their baggage.

388 *Penalty.* SEC. 3. Any person or persons, firm, company or corporation violating or refusing to comply with the provisions of this chapter shall, on conviction, be fined not less than three nor more than fifty dollars for each offense, and a further penalty of three dollars for each day or part of a day they shall continue to do business without a license.

CHAPTER XXVII.

STREETS, STREET LABOR AND SIDEWALKS.

Article I. What Are Public
Highways.
Article II. Streets.

Article III. Street Labor.
Article IV. Sidewalks.

ARTICLE I.

WHAT ARE PUBLIC HIGHWAYS.

389 *Public Highways—What Are.* SECTION 1. All streets and alleys heretofore dedicated as such by the original plat of the city, or by any addition thereto the plat whereof has been accepted and approved by the city council, as heretofore made a matter of record as provided by law, and all streets and alleys heretofore or which hereafter shall be opened, laid out or established by ordinance, order or resolution of the city council in manner provided by law, and all streets and alleys lawfully extended through any lands adjacent to the city over which the city may have jurisdiction,

and such as have been laid out, opened, extended or established by ordinance, order or resolution of the city council and the title thereto acquired by the city for street purposes, are hereby declared to be public highways; and all such ordinances, orders and resolutions are hereby continued in force.

Street can not be opened without ordinance; when. *People vs. Hyde Park*, 117 Ill., 462.

Dedication of streets by filing acknowledged plat. *R. S. Chapter 109, Sections 1-3.*

View vs. LaBahn, 120 Ill., 92; *La Salle vs. M. & H. Zinc Co.*, 16 Ill. App., 69.

Improvement of streets. *Murphy vs. Peoria*, 119 Ill., 509.

ARTICLE II.

STREETS.

390 *Changing Names of and Naming Streets.* SEC. 2. The several streets, avenues and places of the city of Carbondale shall hereafter be known and designated by the numbers and names applied thereto, respectively, on the plats now on file in the recorder's office of Jackson county, Illinois, subject to the following changes, corrections and additions, to-wit:

First. South Missouri street shall hereafter be known and designated as South Normal avenue.

Second. North Missouri street shall hereafter be known and designated as North Normal avenue.

Third. That part of the street lying west of Springer street, which is the extension of Pecan street, now called Logan street, shall hereafter be known and designated as Pecan street.

Fourth. The street lying between Elizabeth and Lake streets and connecting Chatauqua and Mill streets north and south shall hereafter be known and designated as Locust street.

Fifth. That part of Sycamore street lying west of the Illinois Central railroad shall hereafter be known and designated as West Sycamore street.

Sixth. That part of Sycamore street lying east of the Illinois Central railroad shall hereafter be known and designated as East Sycamore street.

Seventh. That part of Freeman street lying west of the Illinois Central railroad shall hereafter be known and designated as West Freeman street.

Eighth. That part of Freeman street lying east of the Illinois Central railroad shall hereafter be known and designated as East Freeman street.

Ninth. The street lying between Brush and Wall streets and connecting Green and Chestnut streets north and south shall hereafter be known and designated as Dudley Alley.

Tenth. That street running north from West Sycamore street one block west of North Normal avenue shall hereafter be known and designated as Michaels street.

Street Guide Boards to be Maintained—Where. SEC. 3. There shall be set up and maintained, at the northeast and southwest corners of every street crossing within the city, a good, substantial guide post of durable wood or iron, which shall extend not less than seven feet above the street grade, each of which posts shall have attached thereto two guide boards not less than five inches in width and fifteen inches in length, one of which shall point in the direction of the street running north and south and the other in the direction of the street running east and west, and each of said

boards shall have neatly painted thereon, in plain, white letters not less than three inches high, on a ground of black, the name of the street in the direction of which it points; *provided*, that where practicable the said guide boards may, with the consent of the owner, be attached to any building on the proper corner.

Power to regulate. R. S. Chapter 24, Article V, Section 1, Clause 22.

392 *Houses to be Numbered—Size of Figures.* SEC. 4. Every dwelling or other house, shop, store and other building, standing or fronting upon or toward any street within the city, shall be numbered by the owner thereof with such number as shall be by the mayor and city clerk assigned thereto, in accordance with the system of numbering hereinafter provided, with figures not less than two inches in height, neatly painted upon the same or upon a metallic tag thereto attached, and in such place as to be readily seen and distinguished; *provided*, that where any business or other building may have two or more doors or entrances a number may be given to or placed upon each door or entrance, and where any building may be two or more stories high a number shall be given to each stairway leading from the ground to the upper stories.

See note to section 3.

393 *System of Numbering—Where to Begin.* SEC. 5. The intersection of Main street and the Illinois Central railroad is hereby designated as, and shall be and remain, the initial or beginning point of house numbering as herein provided. All houses and other buildings fronting on streets running north of Main street shall be numbered northward, and all houses and other buildings fronting on streets running south of Main street shall be numbered southward, in consecutive order, beginning with number one, the odd numbers to be placed on the east side and the even numbers to be placed on the west side of the street. All houses and

other buildings fronting on the streets running west of the Illinois Central railroad shall be numbered westward, beginning with the line of the railroad, and all houses and other buildings fronting on the streets running east of the Illinois Central railroad shall be numbered eastward, beginning with the line of the railroad, the odd numbers to be placed on the south side of the street and the even numbers to be placed on the north side of the street.

394 *How Many Numbers Per Block—Proviso.* SEC. 6. Not exceeding fifty numbers on each side of the street shall be allotted to each block, so that every street crossing shall mark one hundred numbers from the place of beginning; *provided*, that where, in addition to the city, or any subdivision of territory within its limits subsequent to the original plat, the streets and blocks do not correspond with the streets and blocks of said original plat, the numbering shall, as near as practicable, be made as though the streets of said original plat extended to the city limits; and *provided, further*, that the mayor and city clerk, in assigning numbers in the residence portions of the city or where there are vacant lots, shall allow one number for about fifty feet of vacant ground.

ARTICLE III.

STREET LABOR.

395 *Street Labor—Who Liable—Exemption—Number of Days.* SEC. 7. The city of Carbondale shall constitute one road district, and for the purpose of keeping the roads, streets and alleys therein in repair, every able-bodied male inhabitant of this city, being above the age of twenty-one years and under the age of fifty (except paupers, idiots, lunatics and such persons as

are by law or the ordinances of the city excepted,) shall be required to labor on the streets of the city two days in each and every year; *provided*, any person desiring so to do may commute for the labor required and discharge the same by the payment of money at the rate of seventy-five cents per day.

396 *Notice to Work—How Given.* SEC. 8. The street commissioner shall give at least three days' notice to all persons required to work on the streets, of the time and place, when and where they shall appear and the tools to bring; said notices must be in writing and a copy thereof delivered personally to or left at the place of residence of the person for whom it is intended with some person above the age of twelve years.

397 *Commutation—When to be Paid.* SEC. 9. If the person so notified desires to commute for his labor he shall, within three days from receiving such notice, pay to the street commissioner the amount of money necessary to discharge such tax, and the street commissioner shall receipt him therefor.

398 *Duty of Street Commissioner.* SEC. 10. The street commissioner shall attend at the time and place appointed and superintend and direct all persons who may appear for work and see that every person works diligently and faithfully for at least eight hours in each day.

399 *Full Number of Days, Etc.—Penalty.* SEC. 11. Every person so notified who shall not have elected to commute for his labor and has paid the full amount of such commutation shall, by himself or substitute equally able as himself, work the full number of days required, and any person who shall fail, neglect or refuse to work or commute and pay the full amount of such commutation shall, on conviction, be fined double the amount of his street tax.

400 *Idlers—Penalty.* SEC. 12. If any person after appearing remain idle, refuse to work or hinder others from working, he shall, on conviction, be fined three dollars for each and every offense.

401 *Suit—Disposition of Penalty.* SEC. 13. All penalties recovered under the provisions of this chapter shall be paid into the city treasury; the street commissioner shall likewise pay into the city treasury all moneys collected by him in commutation of street labor, and all such money, together with all fines and penalties recovered under the provisions of this chapter, shall be used, under the direction of the city council, upon the streets of the city.

402 *Teams—How Procured.* SEC. 14. The street commissioner may employ all necessary teams when needed, the expense thereof to be paid out of money in the city treasury belonging to the street fund.

403 *When Work to be Done.* SEC. 15. The street commissioner shall endeavor to have one-half of the whole amount of street tax worked out by the 1st of August in each year, and the remaining one-half shall be worked out by him by the 1st of November.

ARTICLE IV.

SIDEWALKS.

404 *Ordinance Must be Passed.* SEC. 16. Whenever any sidewalk is to be built or renewed, the city council shall pass an ordinance providing for the building of the same; which ordinance shall specify definitely the kind, character, locality and description of said sidewalk.

CHAPTER XXVIII.

TAXES.

405 *Appropriations—Amounts Specified.* SECTION 1. The city council shall, within the first quarter of each fiscal year, by ordinance, pass an annual appropriation bill, in and by which such sums of money shall be appropriated as shall be deemed necessary to defray all necessary expenses and liabilities of the city for the current fiscal year; such ordinance shall specify the amounts and purposes for which such appropriations are made and the amount appropriated for each object or purpose.

406 *Levy—When and How Made.* SEC. 2. The city council shall, on or before the second Tuesday of August in each year, ascertain the total amount of appropriations for all corporate purposes legally made, as provided for in section 1 of this chapter, and shall, by ordinance, levy and assess such amount so ascertained upon the real and personal property within said city subject to taxation as the same is assessed for State and county purposes for the current year.

R. S. Chapter 24, Article VIII, Section 1.

407 *Copy Filed with County Clerk—Extension.* SEC. 3. A certified copy of said ordinance imposing city tax as aforesaid shall be immediately filed with the county clerk of Jackson county, Illinois, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within said

city as the same is assessed and equalized for State and county purposes, will produce a net amount not less than the amount so directed to be levied and assessed, and the said clerk shall extend such tax in a separate column upon the book or books of the collector of the State and county taxes within said city.

408 *Taxes—How Collected.* SEC. 4. The taxes so assessed shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officers collecting the same to the city treasurer of said city.

409 *Collector to Settle with Treasurer—When.* SEC. 5. It shall be the duty of the officer collecting such tax to settle with and pay to said treasurer as often as once in two weeks from the time he shall commence the collection of all such taxes as he shall then have collected until the whole tax collected shall be paid over.

410 *Appropriations—Treasurer to Set Apart.* SEC. 6. Whenever the said city is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council and certified to the county clerk as aforesaid, but the city council shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability, and the city treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged,

411 *Taxes Uniform — Exemptions.* SEC. 7. All taxes levied or assessed by said city, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits

of said city, and no property shall be exempt from taxation other than such property as may be exempt from taxation under the constitution and laws of the State.

412 *Separate Account—Credits Given.* SEC. 8. The city treasurer shall keep a separate account of each of the aforesaid items of liability as fixed annually by the city council, and shall credit each its proportionate amount of the aggregate amount raised by general taxation.

CHAPTER XXIX.

MISCELLANEOUS ORDINANCES.

413 *Idiots and Lunatics to be Provided For.* SECTION 1. If any lunatic shall be found in the city of Carbonale unprotected by guardian, relative or friend, the mayor shall temporarily provide for his or her care and support at the expense of the corporation; but if such person shall not belong to the city, nor be chargeable thereto, the mayor shall immediately notify the proper person or officer of the county chargeable therewith that such idiot or lunatic is unprovided for and to take charge of and provide for the same.

414 *Officer—Duty of.* SEC. 2. When any lunatic, found at large or unprotected, as aforesaid, shall be so insane or disorderly in mind as to endanger the persons or property of others, or his own person or property, it shall be the duty of the city marshal, or any

police officer to forthwith take and confine such lunatic in the city jail or other suitable place until proper provision can be made for him according to law, and such officer shall also promptly notify the proper county officer, court or person thereof, and all necessary expenses incurred thereby shall be collected of the person legally liable therefor.

415 *Minors Loitering on Streets Forbidden—Penalty.* SEC. 3. No minor under the age of sixteen years shall, after the hour of 9:00 o'clock p. m., from April 1st to November 1st, nor after the hour of 8:00 o'clock p. m., from November 1st to April 1st, next following, loiter, wander or stroll about in the night on any of the public streets, avenues, alleys, lanes, commons or in any of the parks in said city, or upon any depot grounds or building or other public place, unless upon some lawful errand and sent by the direction and with the knowledge and consent of the parent, guardian or other person having the legal custody and control of such child, under a penalty of not less than one dollar nor more than twenty-five dollars.

416 *Dairies Prohibited—Penalty.* SEC. 4. It shall be unlawful for any person, persons, firm, company or corporation, within the limits of the city, to establish and maintain or cause to be established and maintained, any dairy or other place where cows are kept, fed or milked, and the milk, or any part of it, is sold or peddled out in the city or elsewhere; *provided*, this section shall not apply to any person or family keeping not to exceed two cows for family use; and *provided, further*, that the person or persons keeping such cow or cows for family use shall see that the barn or cow pen or both where said cow or cows are kept are properly cleansed and free from offensive odors at any and all times, the same to be subject to the ordinances on nuisances, health, etc., and *provided, further*, that the provisions of this section shall not prevent the city council from granting permission, by a two-thirds vote, for the establishment of a dairy or dairies within the

limits of the city, on petition signed by all the residents in the vicinity of said dairy or proposed dairy. Whoever shall offend against any of the provisions of this section shall, on conviction, be fined not less than five dollars nor more than one hundred dollars.

417 *Fences, Etc.—Height.* SEC. 5. No person shall hereafter, within the city of Carbondale, erect, construct or maintain any wood or other partition fence, or any section or portion thereof, which shall exceed five feet in height above the surface of the ground for the first thirty feet back from the front line of the lots or lot, nor exceeding eight feet in height for the remainder of the distance to the rear end of the lot, except where such partition fence shall form a necessary part of some outbuilding on the premises, under a penalty of not less than three dollars nor more than twenty-five dollars for each offense, and a further penalty of two dollars for every day that such person shall permit such unlawful fence to remain after notice given to lower or remove the same by the mayor or the city marshal.

418 *Railings Not to Have Barbed Wire, Etc.—Penalty.* SEC. 6. No fence railing or guard of any kind, within the limits of the city, shall have placed or kept thereon any barbed wire, spike or other sharp pointed metallic instrument, under a penalty to the person offending of not less than five dollars nor more than twenty-five dollars for each offense, and a further penalty of two dollars for every day that such person shall fail to remove such barbed wire, spike or other pointed instrument after notice to do so by the street commissioner or city marshal.

419 *Barbed Wire Fences Prohibited—Penalty.* SEC. 7. No fence consisting or made, either in whole or in part, of any kind of barbed wire shall be built, maintained or kept upon or along the line of any street, avenue, alley or public walk, or in any public ground, within the said city, and every such fence is hereby declared a nuisance. Any property owner or other person

who shall build, or cause to be built, or shall maintain, any such barbed wire fence shall be subject to a penalty of not less than five dollars for every day that he shall permit such fence to stand or remain after notice to take down or remove the same by the street commissioner or city marshal.

420 *Vehicles—Keep to the Right.* SEC. 8. All vehicles of every description traveling on any bridge, street, alley, highway or public ground, or public way whatsoever, and all horsemen, shall observe what is commonly called the "law of the road," viz: Keep to the right-hand side in passing and turning. And any person failing to observe said rules, and thereby occasioning any collision or accident with any other vehicle, animal or person, shall be fined not less than three dollars nor more than one hundred dollars.

421 *Speed of Animals and Vehicles.* SEC. 9. Within the limits of Oak street on the north, Marion street on the east, Walnut street on the south and Poplar street on the west, the speed of all horses or other animals, ridden or driven, with or without a vehicle, and of all bicycles, automobiles or other vehicles used for transportation, is hereby limited to the rate of six (6) miles per hour, and at all other places within the limits of the city is limited to ten (10) miles per hour. *Provided, always, however,* that in turning corners the speed is in all cases limited to four (4) miles per hour. And it is especially provided that all drivers of vehicles of any and all descriptions shall, at all times when driving on the public ways of this city, use all possible care to avoid the frightening of horses and teams or to prevent damage to property or persons. A violation of any of the terms of this section shall subject the offender to a fine of not less than three dollars nor more than two hundred dollars.

422 *Lights, Horns, Etc.—Penalty.* SEC. 10. For the protection of travelers, vehicles shall be equipped as follows: Every bicycle, automobile or similar vehicle

shall have a bell or gong or horn which shall be sounded in case of danger, or when necessary to give warning; and especially shall it be the duty of the owner, operator, or person operating said vehicle to give warning at all crossings, etc.; and in the night time such vehicles shall also each be equipped with at least one bright, clear light, which shall be kept burning, under a penalty in either case of not less than three dollars nor more than one hundred dollars.

423 *Banana Peelings, Etc.* SEC. 11. Whoever shall throw, cast, lay or place on any sidewalk the rind or peel of any orange, banana or other fruit shall be fined not less than one dollar nor more than ten dollars.

424 *Painting on Sidewalks Prohibited—Penalty.* SEC. 12. It shall be unlawful for any person to paint any sign or advertisement or to daub or otherwise put paint upon any sidewalk or pavement under a penalty of not less than three dollars nor more than fifty dollars.

425 *Gates Not to Swing Over Sidewalks.* SEC. 13. All gates opening upon any public street shall be so constructed as not to swing out upon or over any sidewalk, unless such gate is so hung as to be self shutting. A failure to observe this requirement shall subject the offender to a fine of not exceeding ten dollars.

STATE OF ILLINOIS,)
COUNTY OF JACKSON,) ss.
City of Carbondale,)

I, F. M. Caldwell, city clerk of the city of Carbondale, Illinois, do hereby certify that, as such city clerk I am the clerk of the city council of said city and custodian and keeper of the journal of the proceedings of said council, and of the original ordinances enacted by

said council, and also of the ordinance record in which the ordinances of said city are recorded or enrolled, and do hereby further certify that the foregoing ordinance published in this book entitled, "An Ordinance In Revision and Consolidation of the General and Revised Ordinances of the City of Carbondale, Illinois," consisting of, and divided into, thirty chapters, numbering from one to thirty, both inclusive, is a true and correct copy of said ordinance, which was passed and approved October 10th, A. D. 1905, and which original ordinance is now on file in my office; and I do hereby further certify that said ordinance is herein published in book form in conformity with an ordinance of the city council of said city entitled, "An Ordinance Providing for the Publication of the Laws and Ordinances of the City of Carbondale, Illinois," which was passed and approved October 10th, A. D. 1905.

In testimony whereof, witness my hand and the corporate seal of said city of Carbondale, Illinois, this 10th day of October, A. D. 1905.

F. M. CALDWELL,
City Clerk.

[SEAL]

AN ORDINANCE

Providing for the Publication of the Laws and Ordinances of the City of Carbondale, Illinois.

Be it ordained by the city council of the city of Carbondale, Illinois:

SECTION 1. That the laws and ordinances governing the city of Carbondale, as revised, arranged and compiled by Thomas B. F. Smith, attorney at law and city attorney, be and the same are hereby ordered printed and published in book form, to be entitled, "The Revised Ordinances of the City of Carbondale, Illinois."

SEC. 2. This ordinance shall be in force from and after its passage and publication.

Passed October 10, 1905.

Approved October 10, 1905.

Published October 10, 1905.

C. E. WHITE,
Mayor.

Attest: F. M. CALDWELL,
City Clerk.

STATE OF ILLINOIS,)
COUNTY OF JACKSON,) ss.
City of Carbondale,)

I, F. M. Caldwell, city clerk of the city of Carbondale, Illinois, do hereby certify that the above and foregoing is a true copy of the original ordinance entitled, "An Ordinance Providing for the Publication of the Laws and Ordinances of the City of Carbondale, Illinois," passed by the city council of the city of Carbondale, Illinois, on the 10th day of October, A. D. 1905, and approved on the 10th day of October, A. D. 1905.

I hereby certify that the original ordinance, of which the foregoing is a true and correct copy, is by law entrusted to my custody for safe keeping and is now on file in my office.

[SEAL OF THE
CITY OF
CARBONDALE.]

Witness my hand and the corporate seal of said city, this 10th day of October, A. D. 1905.

F. M. CALDWELL,
City Clerk.

CHAPTER XXX.

SPECIAL ORDINANCES OF THE CITY OF CARBONDALE, ILLINOIS.

[The numbers of these special ordinances are herein preserved as they appear in the original ordinances.]

ORDINANCE NO. 148.

AN ORDINANCE in Relation to the Erection and Maintaining of Electric Lights in the City of Carbondale, Illinois.

Be it ordained by the city council of the city of Carbondale, Illinois:

426 SECTION 1. That R. D. Bradberry shall have the right to construct, erect, maintain, and operate an electric light plant, with the necessary ground, buildings, engines, boilers, lamps, poles, wires and other appurtenances for the purpose of furnishing electric lights, heat and power in said city of Carbondale, and such addition to said city as may hereafter be made, for the period of twenty years from and after the passage of this ordinance.

427 SEC. 2. If the said Bradberry shall, in writing, within thirty days from the date of the passage of this ordinance accept the terms and conditions of this ordinance, then the said ordinance and the provisions there-

of shall be binding and obligatory upon the said R. D. Bradberry, his successors and assigns, vendee or vendees, as well as upon the said city of Carbondale, Illinois.

428 SEC. 3. The said Bradberry shall furnish the said city with not less than eleven arc lights for street lighting, to be located as requested by a committee on lights, which shall be composed of one member of the council from each ward of the said city, which committee shall be appointed by the mayor immediately after the adoption of this ordinance.

429 SEC. 4. The said lamps shall burn from dark until midnight, and shall be of 1,500 nominal candle power. In case the city council shall at any time determine by resolution or ordinance that said lights shall burn all night, then the said city agrees to pay at the rate of eleven dollars per light per month, provided that the said resolution or ordinance shall fix the period of time that said lights shall burn all night.

430 SEC. 5. That in case said lamps shall at any time fail to burn as provided in this ordinance there shall be a rebate of the rental for such period of time as said lamps fail to burn.

431 SEC. 6. That said grounds, plant, building, lamps, poles, wires, fixtures and appurtenances shall, for carrying out the provisions of this ordinance, remain at all times the property of R. D. Bradberry or his legal representatives, and he may sell or dispose of the same as provided in this ordinance.

432 SEC. 7. That the rate of compensation or rental for the furnishing of such lights shall be at the rate of seven dollars and twenty-five cents per light per month or eighty-seven dollars per light per year. The city hereby agrees to take not less than eleven lights and pay seven dollars and twenty-five cents per month for each and every light. A warrant shall be drawn by the city council upon the treasurer at each

and every regular monthly meeting of the said council to pay the said R. D. Bradberry or his legal representatives for all debts due him for lights for the past and previous month during the period that this contract shall remain in force, which shall be for the term of five years from the date of the passage of this ordinance.

433. SEC. 8. Said R. D. Bradberry shall, within six months from the passage of this ordinance, complete said electric plant and furnish said city the lights in accordance with the stipulations of this ordinance.

434 SEC. 9. Said Bradberry shall furnish such lights of the best quality and equal to lights of like character in other cities.

435 SEC. 10. The poles and lamps for the use of said city shall be of the height not exceeding thirty feet, as the mayor or committee on lights shall designate to said Bradberry in writing. Said Bradberry shall notify the mayor when he is ready to procure the poles, and the mayor or committee shall notify him of the height of said poles and the places where to be erected within thirty days thereafter.

436 SEC. 11. In case the city council shall at any time determine, by resolution duly passed, that more lamps are required in order to properly light said city than are hereinbefore provided for, then the said Bradberry shall, upon receiving notice from the proper authorities of said city, erect and put in place and maintain such additional lights, and the rate of compensation or rental for such additional shall be at the rate of seven dollars and twenty-five cents per light per month and paid as hereinbefore provided for payment of said electric lights.

437 SEC. 12. Said Bradberry shall not charge private consumers more than the rate charged and agreed upon for the use of the city, and where private con-

sumers use the incandescent light the said Bradberry shall not charge more than one dollar per light per month for 16-candle power incandescent lights, but may charge such rates as may be agreed upon between said Bradberry and the private consumer not to exceed the above rate.

438 SEC. 13. Said Bradberry shall have the right to sell or otherwise dispose of said land, poles, wire, lamps, building, engines, boiler, dynamos and all the operating appliances and fixtures thereto belonging and in anywise appertaining, and the company, corporation, firm or persons becoming entitled thereto from said Bradberry shall have all the rights and privileges and be bound by all the terms of this ordinance.

Passed April 10, 1891.

Approved April 10, 1891.

Published April 18, 1891.

HUGH LAUDER,

Attest: W. H. HUDSON, JR.,

Mayor.

City Clerk.

ORDINANCE NO. 253.

AN ORDINANCE Authorizing the Making of a Contract for Street Lighting and Providing for the Payment Thereof.

Be it ordained by the city council of the city of Carbondale, Illinois:

439 SECTION 1. That the mayor and city clerk be, and they are hereby, authorized and directed to enter into a contract with the Carbondale Lighting Company for the furnishing of street lighting to the city of Car-

bondale for the period of time commencing October 1, 1900, and terminating April 1, 1911. Said contract shall include the placing and maintaining, during said period, of forty-five arc lamps of twelve hundred nominal candle power each, the same to be lighted every night from one hour after sunset until daybreak, and the city in said contract shall undertake and agree to pay to the American Trust and Savings Bank of Chicago, trustee, for each and every one of the lights furnished under said contract at the rate of six dollars per month, payments to be made on or before the 10th of the month, for lights furnished during the preceding month.

440 SEC. 2. For the purpose of providing for the funds with which to pay the rentals herein agreed to be paid, there shall be, and there is hereby, levied a direct annual tax upon all the taxable property in the city of Carbondale sufficient to produce the sum of three thousand two hundred and forty dollars (\$3,240) annually. Said levy is here and now laid for the year 1900, and shall in due time, manner and season be annually hereafter made, and provisions to meet the requirements of this section shall be included in the annual appropriation bill.

441 SEC. 3. This ordinance shall be in force from and after its passage.

442 SEC. 4. This ordinance shall be known as ordinance No. 253.

Passed November 21, 1900.

Approved November 21, 1900.

Published November 24, 1900.

J. M. DILLINGER,

Mayor.

Attest: F. M. CALDWELL,

City Clerk.

ORDINANCE NO. 206.

AN ORDINANCE to Permit the Standard Oil Company of Kentucky, (incorporated,) with General Office at Cincinnati, Hamilton County, Ohio, to Erect Buildings and Tanks for Storing and Handling the Product of Petroleum.

Be it ordained by the city council of the city of Carbondale, Jackson county, State of Illinois:

443 SECTION 1. That permission is hereby granted unto the Standard Oil Company of Kentucky, (incorporated,) to erect on the following described property: Lots 666, 667, 668 and 669 in Asgil Conner's addition to Carbondale such buildings and tanks as it may find necessary for the carrying on of its business as dealers in the product of petroleum.

444 SEC. 2. This ordinance shall take effect from and after its passage.

STATE OF ILLINOIS, {
COUNTY OF JACKSON, } ss.

MAYOR'S OFFICE OF THE CITY OF CARBONDALE, ILL.

I, Thos. F. Hord, mayor of the city of Carbondale, Jackson county, State of Illinois, hereby officially approve the foregoing ordinance passed by the council of the city of Carbondale, Jackson county, State of Illinois, at a regular meeting of said council, held at the city hall (city clerk's office,) in said city of Carbondale on the 5th day of May, A. D. 1896.

Passed and approved May 5, 1896.

Published May 9, 1896.

THOS. F. HORD,
Mayor.

Attest: F. M. CALDWELL,
City Clerk.

ORDINANCE NO. 199.

AN ORDINANCE Authorizing a Telephone Exchange.

Be it ordained by the city council of the city of Carbondale, Illinois:

445 SECTION 1. That in consideration of the benefits to be attained and to result to this city and to the residents thereof by and from the introduction and use of a system of telephone, or telephone exchange, as hereinafterwards provided, and upon the considerations and terms and subject to the limitations hereinafter expressed and set forth, there be and is hereby given and granted to C. L. Downey, of the city of Cincinnati, State of Ohio, and to his heirs, representatives and assigns, the right and privilege of setting up, putting up, establishing and completing, and, upon completion, to maintain, use and operate for a period of fifty years from and after this date within said city a system of telephones, or telephone exchange, for the purpose of maintaining communication by telephone by and among the residents of the city, and also of establishing and maintaining telephone communication between said city and its residents and any other neighboring city, village or town in Southern Illinois with which such communication may be established; and for that purpose there is hereby given and granted him and them the right to put in, set up and, during the period aforesaid, to maintain in the public streets, alleys, ways and other public grounds in and of the city now opened, laid out and used, or which may hereafter be laid out, opened and used, necessary and sufficient posts or poles of wood, iron or other suitable material, and attaching thereto necessary wire to successfully effect, use and operate a telephone system or telephone exchange.

446 SEC. 2. All the posts, poles and wires of said system shall be located, placed and put in under the direction of the city council of the city or its committee on public improvements, and none of the same shall be so located, put in or placed as to interfere with necessary travel, trade or business on the streets, alleys, ways,

sidewalks or pavements of the city, or to impede, prevent or interfere with the free flowage of water in or through the gutters, ditches, drains or sewers of the city, and such portions of any such streets, alleys, ways, walks, pavements, gutters, drains or sewers as may unavoidably be excavated, dug up or in any way interfered with in putting in said posts, poles or wires, or other portions of said system, shall, as soon as reasonably practicable, be restored to as good condition as shall be practicable, and all posts, poles, wires and other appurtenances of said system shall be at all times kept and maintained by said C. L. Downey, his heirs, representatives or assigns, in reasonably good condition, to the end that no interference with necessary trade, travel or business in, or with necessary and reasonable use of, the streets, alleys, ways, walks, pavements, gutters, ditches, drains or sewers be thereby occasioned.

447 SEC. 3. The said C. L. Downey, his heirs, representatives and assigns shall establish and maintain under proper and reasonable rules and regulations at some suitable and convenient house, building or place in the city a central office and operator on lines of telephone during all time of his or their enjoyment of the rights and privileges hereby given and granted.

448 SEC. 4. For the purpose of successfully maintaining and operating the said telephone system or exchange the said C. L. Downey, his heirs, representatives and assigns may establish and maintain reasonable rates of charges or rental for the use of the instruments to be employed and used as a part of said system and enforce the collection of the same; *provided*, such rates of charges shall always be uniform, and shall not, in any event or at any time, exceed the rate or price of two dollars and fifty cents per month per instrument.

449 SEC. 5. In case the provisions of this ordinance are accepted by the said C. L. Downey he shall, within ten days after the adoption and approval hereof, deposit with the city treasurer of this city the sum of twenty-five dollars to cover and defray the expenses of the adoption and publication hereof, and shall also ex-

ecute and file with the city clerk, within the same time, an instrument in writing evidencing such acceptance by him, and therein and thereby obligate and bind himself, his heirs, representatives and assigns to begin the work of putting in and constructing the said system within thirty days thereafter, and to have the same in operation and use within sixty days from the date of such acceptance of the provisions of this ordinance.

450 SEC. 6. The city council of this city shall pass and adopt and thereafter cause to be enforced necessary and reasonable ordinances for the protection and preservation of the plant and property of said system, and hereby agree that for the purpose of taxation for city purposes the said plant and property shall be listed, assessed and valued in the same manner as other property in said city, or in such manner as shall be provided by law.

451 SEC. 7. All and every the rights, privileges and immunities hereby given and granted shall be wholly and utterly void and of no effect, validity or force, and shall wholly cease and be determined at an end, unless the provisions of this ordinance be accepted in the manner and the said system put into successful operation within the time herein prescribed.

452 SEC. 8. That C. Lee Downey and his heirs, executors, administrators and assigns shall be required to furnish one telephone instrument, which shall be free, for the use of the city officers, and shall be placed wherever the city council may designate.

453 SEC. 9. The granting of this ordinance shall not be exclusive.

This ordinance shall be known as ordinance No. 199.

Passed and adopted June 17, 1895.

Approved June 17, 1895.

Published June 29, 1895.

THOMAS F. HORD,

Mayor.

Attest: BEN WHARTON,
City Clerk.

ORDINANCE NO. 301.

AN ORDINANCE Providing for the Licensing of Dram Shops in the City of Carbondale, Illinois.

Be it ordained by the city council of Carbondale, Illinois:

454 SECTION 1. That license to keep a dram shop, as provided for in chapter 43, revised statutes of Illinois, may be granted in the said city upon the terms and conditions following:

455 SEC. 2. Any person or persons who shall desire to keep a dram shop under the provisions of this ordinance shall file with the city clerk an application in writing setting forth their names, ages, occupations and places of residence for five years preceding the date of such application; the place or building where such business is to be carried on and the names of all persons interested in said business as partners or otherwise. And they shall also file with the city clerk an agreement, in writing, providing that they will faithfully observe all laws of the State of Illinois and all ordinances of the city of Carbondale which may be in force at the time of entering into such agreement, or which may be passed thereafter, while such license granted shall be in effect; and agreeing further, that they will conduct their places of business in a quiet, decent and orderly manner and allow at all times free and thorough inspection of their places of business by the regular police force of the city of Carbondale; and that upon violation of any of the laws of the State of Illinois, or the city of Carbondale, they will forfeit their licenses and also forfeit whatever amounts they have paid for said license, without any claims whatever against said city for the unexpired portion thereof. And that, if at any time the city council shall decide to discontinue licensing dram shops, they will surrender their said licenses and discontinue their said business, upon payment to them of the amounts due for the unexpired portion of said license.

456 SEC. 3. All dram shops established under this ordinance shall be located in rooms having no direct communication with any other room or building (except one water closet and one storage room) by door, window, or other opening, stairway, dumb waiter, elevator or other means of communication not opening onto a street or alley, unless by consent of two-thirds of the members of the council and the approval of the mayor, nor shall any dram shop be located nearer than one hundred (100) feet to any building used regularly for church or school purposes.

457 SEC. 4. No dram shop established under this ordinance shall be permitted or allowed to maintain any wine room or private room where liquors are served or drank, or any game of chance conducted, nor shall any gambling device or slot machine, for gambling purposes, be kept or used on the premises where said dram shop is located.

458 SEC. 5. It shall be lawful for dram shops duly licensed under this ordinance to keep their doors open for business on such days as prescribed by laws of the State of Illinois from 5:00 o'clock a. m. to 12:00 o'clock p. m. of such days, but all doors or other means of communication with the room in which said dram shop is conducted shall be securely locked and fastened, and not opened for any purpose, from 12:00 o'clock p. m. on Saturdays until 5:00 o'clock a. m. on Mondays.

459 SEC. 6. Any person complying with the provisions of this ordinance, and who shall be granted a license hereunder, shall first execute a good and sufficient bond in the sum of three thousand dollars (\$3,000), with at least two securities, in conformity with the laws of the State of Illinois, conditioned upon a faithful compliance with all ordinances of the city of Carbondale and all laws of the State of Illinois which may be, or become, in effect during the period such license is in force, and to pay all damages to all persons or property which may arise by reason of the violation of any of the laws aforesaid.

460 SEC. 7. It shall be unlawful for any keeper of any dram shop licensed under this ordinance to permit any loud, boisterous, profane or vulgar language to be used in his place of business, nor shall he permit any singing or music therein; and the violation of this section shall subject the offender to a revocation of his license; and it shall be the duty of the police officers of the city to assist in strictly enforcing this provision.

461 SEC. 8. The mayor of the city of Carbondale shall have power, whenever he is satisfied that the laws of the State of Illinois, or the ordinances of said city, are being violated by any dram shop keeper licensed under this ordinance, to immediately revoke the license granted to such dram shop keeper, and such dram shop keeper shall forfeit any amount due him for the unexpired portion of his license; *provided* that said mayor shall report his action thereunder to the next regular meeting thereafter of the city council, which may approve or disapprove the same; and in case of disapproval, said revocation shall have no effect; and, *provided further*, that the city council may, at any regular or special meeting, revoke the license of any dram shop keeper licensed under the provisions of this ordinance for any violation of any of the provisions thereof.

462 SEC. 9. It shall be unlawful for any keeper of any dram shop licensed under this ordinance to sell, or permit to be sold, any intoxicating liquor, of any character whatever, to any minor without the consent of his or her parents or guardian, or to any habitual drunkard or intoxicated person; and it shall be unlawful to allow children under the age of sixteen years to enter any dram shop licensed under the provisions of this ordinance, unless accompanied by their parents or guardians.

463 SEC. 10. Before any license to keep a dram shop shall be granted under the provisions of this ordinance the applicant for the same shall pay to the city treasurer a sum equal to one thousand dollars (\$1,000) per annum; *provided* no license shall be granted for a

longer period than to the end of the municipal year in which granted, and for no shorter period than three months, except at the end of the municipal year; and *provided, also*, that such license shall not be transferable.

464 SEC. 11. The mayor of the city of Carbondale shall have power to approve all bonds, locations and applications under the provisions of this ordinance until the next regular meeting of the city council which shall then approve or disapprove his action; and in case of disapproval, such licensee shall be null and void and of no effect, and such license shall be entitled to the return of all money paid in by him except for such time as he shall have been actually engaged in business.

465 SEC. 12. Any violations of any of the provisions of this ordinance, in addition to the other penalties therein provided for, shall subject the offender to a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), to be recovered in any court of competent jurisdiction; and any such offender may be confined in the city jail until such fine and cost of prosecution shall be duly paid or discharged.

466 SEC. 13. This ordinance shall be known as Ordinance No. 301.

Passed August 13, 1904.

Approved August 13, 1904.

Published August 18, 1904.

E. E. MITCHELL,

Attest: F. M. CALDWELL,

Mayor.

City Clerk.

ORDINANCE NO. 311.

AN ORDINANCE Prohibiting the Sale or Giving Away of Intoxicating Liquors on Sunday.

Be it ordained by the city council of the city of Carbondale, Illinois:

467 SECTION 1. It shall be unlawful for any owner,

proprietor or keeper of any dram shop, saloon or other house or place for the sale of intoxicating liquors, or any other person or persons, either by or through his or their agent, clerk or representative, within the limits of the city, to sell or give away, or offer for sale or offer to give away, or expose or suffer to be exposed for sale or giving away, any intoxicating liquors on the first day of the week, commonly called Sunday, either in his or their place or places of business, or in any house, room or building adjacent thereto, or in any other house or building whatever; nor shall any person or persons be admitted to any such places aforesaid for the purpose, directly or indirectly, of drinking therein or obtaining for drink any intoxicating liquor on the first day of the week, commonly called Sunday.

468 SEC. 2. Any person or persons offending against any of the provisions of this ordinance shall be fined not less than twenty-five dollars nor more than two hundred dollars for each and every offense, to be recovered in any court of competent jurisdiction; and such offender may be confined in the city jail until such fine and costs of prosecution shall be fully paid or discharged.

469 SEC. 3. This ordinance shall be in full force and effect from and after the expiration of ten days from its passage and publication, and shall not repeal or change the effect of any other ordinance now in force in this city, but is, in effect, an amendment to ordinance No. 301.

470 SEC. 4. This ordinance shall be known as ordinance No. 311.

Passed October 10, 1905.

Approved October 10, 1905.

Published October 10, 1905.

Attest: F. M. CALDWELL,
City Clerk.

C. E. WHITE,
Mayor.

ORDINANCE NO. 273.

AN ORDINANCE Authorizing the Operation and Maintenance of a Water Works System in the City of Carbondale, Illinois.

Be it ordained by the city council of the city of Carbondale, Illinois:

471 SECTION 1. That permission and authority are hereby granted to Carbondale water works company and its assigns to maintain and operate a water works system in the city of Carbondale, Ill., and to furnish and sell water for fire protection and for private or domestic use of the inhabitants of said city for a period of thirty (30) years from and after the passage of this ordinance, and permission and authority are also granted to said company to enlarge and extend said system of water works from time to time, and for this purpose the city reserves the right to pass any such ordinance or ordinances from time to time, and enforce the same as it may deem necessary to control and regulate such extension, and also to provide the terms and conditions to be imposed upon said company or its assigns in regard to any extension, connection or other thing that the city may desire to have made at any time, and for any such extension or other purpose as may be desired by the city the said company shall have the right to open the streets and alleys of said city, leaving the same in their former condition or in condition satisfactory to the city council.

472 SEC. 2. In consideration of the granting of the franchise aforesaid by the city to the said company, the said company or its assigns undertakes and agrees to provide at all times an ample and sufficient supply of pure, healthful water, free from salt and other minerals in sufficient quantity to cause same to be or become detrimental to health or vegetation, to meet the wants and demands of the city of Carbondale, Ill., for fire protection, and of such inhabitants of said city as may

choose or desire to use said water for private or domestic purposes.

473 SEC. 3. The said company or its assigns is hereby authorized to vend water to private consumers in said city and to charge therefor during the continuance of the grant hereby made, not to exceed the following maximum annual rate:

Banks, one self-closing faucet.....	\$10 00
Bakeries.....	15 00
Barber shops, one chair and basin.....	6 00
Each additional chair.....	3 00
Baths, public, per tub.....	12 00
Hotels and boarding houses, per tub.....	9 00
Private, per tub.....	2 00
Blacksmith shops, one fire.....	5 00
Butcher shops and stalls.....	\$5 00 to 12 00
Billiard saloons, for drinking and scrubbing purposes exclusively, one table.....	6 00
Each additional table.....	2 50
Boarding house, per room.....	1 00
Building purposes, per 1,000 brick laid.....	15
Stone, per perch.....	10
Plaster, per 100 square yards.....	30
Cigar factory, five hands and under.....	6 00
Each additional hand.....	1 00
Hotels, per room.....	Special
Halls and theatres.....	Special
Laundries.....	Special
Livery stables.....	Special
Printing offices, not including steam boilers and engines.....	\$10 00 to 20 00
Private stable, including washing carriages, one horse or cow.....	1 50
Each additional horse or cow.....	1 00
Photograph galleries.....	\$6 00 to 10 00
Residence occupied by one family, five rooms or less.....	4 00
Each additional room.....	1 00
Restaurants.....	Special

Steam engines, assessed per horse power, ten hours run per horse power.....	\$ 5 00
Sprinkling premises, 1/8 inch nozzle, four hours per day and 50 foot front or less, per season	5 00
Each additional front foot.....	05
Street sprinkling, from fence line outward per front foot.....	03

SHOPS—SPECIAL RATES.

Tobacco manufactures, per hand.....	\$ 1 00
Urinals, public, with self-closing faucet	5 00
Urinals, private, with self-closing faucet	2 00
Water closets, private, first bowl.....	2 00
Each additional bowl.....	1 00
Water closets, public, per bowl	10 00
Meter rates, 100 to 500 gallons per day, at the rate per 100 gallons06
500 to 1,000 gallons per day, at rate per 100 gallons05
1,000 to 2,000 gallons per day, at rate per 100 gallons04 1/2
2,000 to 3,000 gallons per day, at rate per 100 gallons04
3,000 to 5,000 gallons per day, at rate per 100 gallons03
5,000 to 10,000 gallons per day, at rate per 100 gallons02 1/2
Over 10,000 gallons per day, at rate per 100 gallons02

474 SEC. 4. Before this franchise takes effect or becomes binding upon said city, the said water works company shall furnish to the mayor and three-fourths of the aldermen elect satisfactory evidence and information that it has made such arrangements, connections and provisions as will enable it to furnish water for fire protection and such water in such quantities for private and domestic uses and purposes as provided for in this ordinance.

475 SEC. 5. This franchise shall only be valid and binding upon the city upon the surrender and cancellation of the \$36,000.00 of water certificates and the coupons attached thereto or detached therefrom, said certificates having heretofore been issued by this city to C. A. Iglehart & Co., and this franchise shall only be valid and binding upon the further condition that said company or its assigns shall become the purchaser and the sole and exclusive owners of the water works plant now located in this city and advertised for sale March 4, 1902, and shall thereafter operate the same according to the provisions herein contained.

476 SEC. 6. The city council hereby reserves the right and privilege to revoke, rescind or annul this franchise at any time should said company or its assigns fail or refuse to comply with any of the provisions of this ordinance.

477 SEC. 7. The said water works company shall within thirty days from this date file with the city council its acceptance of this ordinance, otherwise said ordinance is to be null and void.

Passed January 7, 1902.

Approved January 7, 1902.

	J. T. McANALLY,
Attest: F. M. CALDWELL,	Mayor.
City Clerk.	

ORDINANCE NO. 290.

AN ORDINANCE Relating to Sewers, Plumbing and Drain Laying, and to Provide for the Supervision thereof.

Be it ordained by the city council of the city of Carbondale, Illinois:

478 SECTION 1. All sewers laid or constructed in any street, avenue or alley in this city shall be laid on

and along the the centre line thereof, constructed in such form and of such dimensions as shall be prescribed by ordinance, contract or specifications, and shall be laid such depth as to effectually drain such lateral sewers as may be conducted into the same; suitable flush tanks, wells, man-holes, lamp-holes, vents and inlets properly secured with a coping stone; iron grates, earthenware caps or plate covers shall be constructed where necessary at proper distances. All sewers shall be built or constructed in such a way that they can be extended or that a lateral sewer from any street, avenue or alley, or from any public or private property can be properly connected therewith and suitable openings, "T"s or "Y" branches left therein to admit of such extension or connections, the same to be located at such points as may be provided by ordinance or directed by the board of local improvements, and to be securely capped or otherwise closed; and a record of the location and character of all such sewers with openings, "T"s and "Y,"s shall be made and filed in the office of the city clerk.

479 SEC. 2. All lateral sewers and all sewers for the drainage of private private property into the public sewers shall, as near as practicable, conform in design, and in the material used in the construction thereof to the plans and specifications for the construction of public sewers; and no connection with, or opening into, any public sewer from any drain or sewer for the drainage of any private property shall ever be made except with the consent of the county council or its board of local improvements.

480 SEC. 3. Whoever shall construct or cause to be constructed, within the limits of the city, any private drain or sewer leading into any public sewer built, owned or controlled by the city without permission as required by the provisions of section 2 of this ordinance, or contrary to or in violation of any ordinance of the city, shall on conviction, be fined not less than ten nor more than one hundred dollars for each and every offense, and in addition thereto shall also be liable to the city, or to

any person injured, for all injuries or damages thereby sustained, to be recovered in any appropriate action in any court of competent jurisdiction.

481 SEC. 4. Whoever shall deposit, throw or discharge into any sewer, inlet or catch-basin, or into any flush-tank, or other sewer opening, any garbage, butcher's offal, dead animal or other matter or thing calculated to obstruct any sewer shall, on conviction, be fined not less than ten nor more than two hundred dollars for each and every such offense.

482 SEC. 5. Whoever, within the city, shall break, deface, remove, or in any other manner injure any cap or coping stone, grate, trap or other appurtenance or thing belonging to any catch-basin, man-hole, lamp-hole, vent, flush-tank, or otherwise disturb or injure any sewer, or the mouth or any other part of the same, shall, on conviction, be fined not less than ten nor more than two hundred dollars.

483 SEC. 6. Every person making connection of any private sewer or drain with any public sewer shall provide such fixtures with and to such private sewer or drain as will allow sufficient quantity of water to flow into and through the same to carry off all matter entering or passing through the same, and shall at all times keep such private sewer open and unobstructed. Whoever shall violate or fail, refuse or neglect to comply with the requirements of this section shall, on conviction, be fined not less than five nor more than twenty-five dollars, and every day such failure, refusal or neglect shall continue after the first penalty is incurred shall be deemed a separate offense.

484 SEC. 7. All excavations in streets, avenues, sidewalks or other thoroughfares of the city, made by any person or persons for the construction or repair of any sewer or drain, or the laying or repair of any gas or water pipe, or tapping the same, shall, immediately upon the completion thereof, be filled up and the earth or soil thoroughly tamped or puddled till all earth taken

out shall have been replaced, and all pavement, flagging or curbing replaced and restored to its former condition and such street, avenue, alley, sidewalk or other thoroughfare put in as good condition as the same was before such excavation was made. Whoever shall violate, or shall fail, neglect or refuse to comply with the above requirements, shall, on conviction, be fined not less than ten nor more than two hundred dollars for each offense, and in addition thereto shall also be liable for whatever expense may be incurred in repairing any such street, alley, sidewalk or other thoroughfare, and all damages sustained by any person from such failure, neglect or refusal, to recover in any appropriate action in any court of competent jurisdiction.

485 SEC. 8. Outside of buildings where the soil is of sufficient solidity for a proper foundation, hard-burned vitrified sewer pipe may be used. The sewer pipe must be laid on a smooth bottom, with a special groove cut in the bottom of the trench for each hub, and so well rammed on each side of the pipe that it shall lay solid before the cement joint is made. The joints must be filled and rounded off with good cement mortar, made of best cement and clear, sharp river sand mixed, of equal parts cement and sand. The cement must be mixed in small quantities at a time and used as soon as made. No drains shall be covered up until they have been inspected.

486 SEC. 9. The house drains shall not be less than five inches nor more than eight inches in diameter and shall have a fall of not less than one-quarter of an inch to one foot, unless by permission of the city council. Inside drains must not be less than four inches for water closets and three inches for sinks, tubs, etc. The main drain for every house or building shall be separately and independently connected with the street sewer. All house drains laid beneath the ground inside of the building or beneath the cellar floors shall be of standard cast iron soil pipe, with well leaded and calked joints. Where the main drains are connections thereto are run

above the cellar floors the same must be made with standard cast iron soil pipe or lead.

487 SEC. 10. Cellar drains must never be connected with house drains, but must be constructed as follows: By a system of field tile drains to a catch basin built of brick and cement mortar and have a stone cover, the outlet pipe to house drain to be properly trapped and the inlet pipe from cellar drains to have a back pressure valve of approved make.

488 SEC. 11. No storm water shall be discharged into the sewer. No steam, exhaust, blow-off or drip pipe shall be connected with the sewer or any house drain, soil or waste pipe. Such pipes shall be discharged into a tank or condenser, from which a suitable outlet to the house drain shall be provided.

489 SEC. 12. No waste, soil or drain pipe will be allowed to drain or discharge upon the street or alley.

490 SEC. 13. Wooden wash trays and sinks are prohibited inside of any building. They shall be of non-absorbent material.

491 SEC. 14. No catch-basin shall be allowed in any building unless by special permission of the city council.

492 SEC. 15. Lead bends or traps for water closets shall not be less than one-eighth of an inch in thickness.

493 SEC. 16. Waste pipes from wash basins shall not be less than one and one-quarter inch in diameter, and for sinks and bath tubs shall not be less than one and one-half inches in diameter.

494 SEC. 17. All connections of lead pipes shall be wiped, soldered joint. All lead waste pipes must be of the quality known to the trade as "extra light." No pipe of lighter weight will be allowed. All supply pipes of lead must be of the quality known as "strong" or "extra strong."

495 SEC. 18. The main soil or drain pipe must be tapped inside the foundation wall with a cast iron trap and provided with a hand hold or cover for cleaning out. A fresh air inlet pipe shall be run from the inlet side of the trap to a point outside of the building and at least one foot above the grade line. The fresh air pipe shall not be less than three inches in diameter. Where the main drain passes through or under a new wall a receiving arch must be built with a two-inch clearance on the sides and top of the trap.

496 SEC. 19. Every sink, basin, bath tub, water closet, slop hopper and each set of wash trays and every fixture having a waste pipe must be separately trapped, the trap to be placed as near the fixture it serves as practicable. All traps (inside of building or covered with roof attached to a building) must be protected from syphonage by special vent pipes of cast iron or lead, to be in size not less than the outlet of the traps they vent; and those used to supply air to traps of one or more water closets located in the basement or on the first floor of a building not less than two inches in diameter.

497 SEC. 20. No sheet metal or earthenware pipe or chimney flue shall be used as a drain or trap vent. Several fixtures may be vented through the same pipe where cast iron soil pipe is used of sufficient size.

498 SEC. 21. All cast iron soil or vent pipes must be sound and free from holes and cracks and all joints must be made with lead and oakum. Connections with lead waste pipes and traps or bends must be made with brass or lead combination ferrules and wipe joints. No cast iron soil pipes shall be used of lighter weight than what is known to the trade as "standard."

499 SEC. 22. The owner or agent of any building in course of construction which contains plumbing must contract to have the entire system of soil and vent pipes tested by stopping the openings and filling the same with water to the highest point. All defective pipes

must be removed. This test must be made in the presence of the sanitary inspector. This applies to the plumbing work in old buildings that are being remodeled.

500 SEC. 23. Water closets must never be placed in an unventilated room or compartment. In every case the room or compartment must be opened to the outer air or to be ventilated by means of an air duct or shaft of approved size. Interior water closets within the house or buildings must be supplied from special tanks or cisterns.

501 SEC. 24. The arrangements of all soil and waste pipes must be as direct as possible; all changes of direction on horizontal pipes shall be made with "Y" branches one-sixth and one-eighth bends.

502 SEC. 25. Every vertical soil or waste pipe shall extend at least two feet above the roof and shall be of undiminished size, with the outlet uncovered; caps or cowls are prohibited. Such soil pipes shall not open near a window nor an air shaft ventilating living rooms.

503 SEC. 26. Every branch or horizontal line of soil pipe to which two or more water closets are to be connected, and every branch line of horizontal pipe eight feet or more in length to which a water closet is to be connected, shall be ventilated either by extending such soil pipe undiminished in size to at least two feet above the roof or to the highest part of the building or by extending said soil pipe and connecting it with the main soil pipe above the highest fixture, or by ventilating pipe connected to the crown of each water closet trap not less than two inches in diameter, which shall be increased one-half inch in diameter for every fifteen feet in length, and connected with a special air pipe which shall not be less than four inches in diameter, or by connecting said ventilating pipe to the main soil pipe above the highest fixture.

504 SEC. 27. Drain laying as herein regulated is hereby defined to include the connection with public sewers and such pipes as may be laid beneath the surface and more than four feet outside the foundation walls of building to be drained, if such building contains plumbing, or which may be intended solely to drain the foundation walls, cellar and roof water of buildings which do not contain plumbing. Plumbing is hereby defined to include the pipes, fixtures and all appurtenances thereto which are used to connect the water to, and to distribute in or about any premises or building for any use whatever, all pipes and appurtenances used or to be used for conveying liquid water within and to a distance of four feet outside the foundation walls of any building and all pipes and appurtenances used to ventilate the drains, fixtures or traps in any building, Also all pipes and connection through which gases, vapor or wastes of any kind may discharge into drains or sewers.

505 SEC. 28. No person shall be allowed to engage in or work at the business of plumbing, except to repair leaks, either as master plumber, employing plumber or as a journeyman plumber, within the limits of this city without first having obtained a license of the city council of said city to do plumbing.

506 SEC. 29. The name and residence of each and every person to whom such license is granted, together with the date thereof, shall be entered upon the record of said city at the time of the granting of such license; *provided*, that no license shall be granted for a longer period than one year; and *provided, further*, that the sum of \$5 shall be paid the city for each and every license so granted. Applicants for such licences must be experienced in the business and must furnish the city council with satisfactory evidence of the required qualifications. Application shall be made to the city council in writing, and shall state in full the name of the applicant, his place of residence and where he has formerly been engaged, also the name under which the business is to be carried on.

507 SEC. 30. Before being entitled to a license under the provisions of this ordinance the applicant therefor shall give a bond, payable to the city, with surety to be approved by the city council in the penal sum of one thousand dollars, conditioned that he will indemnify and save harmless the city of Carbondale from all accidents and damages caused by any failure on his part, or on the part of any one employed by him or working under his charge or direction; to properly protect the work in his charge or being done by him, or that he may do under or by virtue of his license, and that he will observe and conform to all ordinances of the city and all rules and regulations pertaining to the laying of drains, gas and water pipes and the construction of sewers. Any plumber or drain layer who shall violate or fail or refuse to conform to any rule or regulation, or the provisions of any ordinance pertaining to the plumbing, gas fitting, pipe laying or the construction of sewers, shall, in addition to being liable on his bond for all damages thereby occasioned, also, on conviction, be fined in any sum not less than ten nor more than two hundred dollars.

508 SEC. 31. All licensed plumbers shall be held responsible for all acts of their agents or employes done by virtue of his or their said acts.

509 SEC. 32. The city council may suspend any license for a definite period or cancel the same if the party is found guilty of violating the rules and regulations duly established or is shown to be negligent, unskillful or unfaithful in his work, or to be a person unfit or unworthy of being trusted or employed in the work of plumbing or drain laying. Work done by any person, firm or corporation whose license has expired, been suspended or cancelled, shall not be inspected or accepted, and the water shall not be turned on to such work by the superintendent of water works or by any of his employes.

510 SEC. 33. The mayor, by and with the consent of the city council, shall appoint a supervisor of plumbing

and drain laying, who shall hold office until the first Tuesday in May, and be appointed annually thereafter, who shall be known as sanitary inspector, and who shall be competent to design and execute plumbing work. The said inspector shall be in no way connected with any firm or corporation in any capacity or be interested financially with said parties in the business of plumbing or drain laying.

511 SEC. 34. The inspector of plumbing so appointed shall give bond in the sum of \$500, said bond to be signed by two good and sufficient securities and approved by the mayor and city council and filed with the city clerk.

512 SEC. 35. It shall be the duty of the sanitary inspector to receive and examine all plans of plumbing and drainage submitted for approval. If he finds them in accordance with the ordinances, rules and regulations for the government of plumbing and drain laying, he shall endorse the original plan or plans as approved and issue a permit for the construction thereof, and shall file in a convenient form for reference the duplicate plan or plans. If the plans submitted are not in accordance with the ordinances, rules and regulations, he shall reject them, and if requested, state the grounds of rejection. Approval or rejection of plans shall be made within one day after date of filing. He shall investigate all cases reported or referred to him of bad or imperfect work or material, old or new, and report same to the city council. He shall make monthly reports to the city council of all inspections made and of all cases of violation or attempted violation of the ordinances, rules and regulations on the part of plumbers, drain layers, builders, owners or agents, and, under the instruction of the city council, prosecute the offending parties. He shall keep a record of all inspections made, and when the plumbing or drain laying of any premises shall be satisfactorily completed, he shall issue to the parties doing the work a certificate that the same has been lawfully and properly done. He shall charge each

plumber and drain layer the fees for inspection herein authorized to be charged.

513 SEC. 36. It shall be the duty of every plumber or drain layer to notify the sanitary inspector in writing when work is ready for inspection. Plumbers shall also notify the sanitary inspector of all extensions or alterations of fixtures, so that the same may be inspected. For each inspection the sanitary inspector shall charge the sum of one dollar.

514 SEC. 37. The sanitary inspector shall have the right to enter upon any premises containing plumbing or drainage at all reasonable hours to ascertain whether the provisions of this ordinance have been or are being complied with.

515 SEC. 38. All licensed plumbers desiring to make connection, extensions or alterations of any water pipe must first take out a permit to do so from the superintendent of water works and return the same as soon as the work is finished. The water must not be left turned on without the permission of the superintendent of the water works.

516 SEC. 39. This ordinance shall be in force and take effect from and after its passage.

Passed and approved April 24, 1903.

Published May 2, 1903.

J. T. McANALLY,
Mayor.

Attest: F. M. CALDWELL,
City Clerk.

ORDINANCE NO. 229.

AN ORDINANCE in Relation to Persons Walking and Loitering on the Streets and Other Public Places at a Late Hour of Night.

Be it ordained by the city council of the city of Carbondale, Illinois:

517 SECTION 1. That any person or persons who-

soever, being a male or female, within the limits of the city, shall be found walking or loitering in or about any street, sidewalk, alley or other public place between the hours of 12:00 o'clock at midnight and 4:00 o'clock a. m., without being able to give a good and legitimate excuse therefor, shall, on conviction, be fined not less than three dollars nor more than fifty dollars.

518 SEC. 2. This ordinance shall be known as ordinance No. 229, and shall be in force from and after its passage and publication.

Passed June 7, 1898.

Approved June 7, 1898.

Published June 11, 1898.

HUGH LAUDER,

Attest: F. M. CALDWELL,

City Clerk.

Mayor.

ORDINANCE NO. 293.

AN ORDINANCE to Provide for the Inspection of Weights and Measures and for the Supervision thereof.

Be it ordained by the city council of the city of Carbondale, Illinois:

519 SECTION 1. That it shall be the duty of the mayor of the said city, by and with the advice of the city council, on the first Tuesday in May in each year, or as soon thereafter as he may elect, to appoint a citizen of said city, who has been a resident thereof for at least one year last passed, to the position of inspector of weights and measures, who shall, before entering upon the discharge of the duties of his office, take and subscribe the oath prescribed by law for city officers, and

shall execute a bond in the penal sum of five hundred dollars, with two or more good and sufficient sureties, to be approved by the city council, payable to the city of Carbondale, Illinois, and conditioned for the faithful discharge of the duties of his office, and that he will, at the expiration of his term of office, or upon his resignation or removal from office, account for, pay over and deliver to his successor in office, or to the person legally appointed to receive, all money, books, papers and everything pertaining to his office.

520 SEC. 2. It shall be the duty of said inspector of weights and measures to inspect all scales, weights, beams, balances and measures used by every person, firm or corporation engaged in the wholesale or retail dealing in merchandise, or other commodities, within the city limits of the city of Carbondale, Illinois, and ascertain if the same are correct and agree with the United States standard of weights and measures of such articles as may be dealt in, and are in all respects in conformity with the laws of the State of Illinois.

521 SEC. 3. It shall be the duty of said inspector of weights and measures, after having examined any scale, weight, beam, balance or measure, to stamp upon the same in a plain and visible manner the date of his inspection and that the same has been found correct.

522 SEC. 4. If any scale, weight, beam, balance or measure has been found incorrect by said inspector, it shall be his duty to stamp the same in a plain and visible manner that the same is incorrect and the date of such inspection.

523 SEC. 5. Any person, firm, company or corporation using any scale, weight, beam, balance or measure for the purpose of selling, by retail or wholesale, any merchandise or other commodity, within the city limits of the city of Carbondale, Illinois, shall, upon demand of said inspector, exhibit to him all and every scale, weight, beam, balance or measure used by him, them or it in the business aforesaid, for the purpose of inspec-

tion, and shall afford said inspector every opportunity for making a correct test of the same.

524 SEC. 6. The inspector herein provided for shall be paid a fee of fifty cents for each and every inspection made by him, to be paid by the owner of such scale, weight, beam, balance or measure; *provided* that one charge shall be made annually for inspecting all the scales, weights, beams, balances and measures of any one person, firm, company or corporation, unless complaint shall be made to him in writing that a wrong has been perpetrated.

525 SEC. 7. Any person, firm, company or corporation engaged in the wholesale or retail vending of any merchandise or other commodity, by weight or measure, who shall be found guilty of giving false or inaccurate weights or measures, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not to exceed twenty dollars. And any person, firm, company or corporation so engaged who shall use any scale, weight, beam, balance or measure not examined, tested and stamped as correct by the inspector herein provided, shall be deemed guilty of a misdemeanor and fined in any sum not to exceed twenty dollars.

526 SEC. 8. It shall also be the duty of said inspector, upon the request of any person, firm, company or corporation using an electric light, gas or water meter, to attend at the same time and place with the representative of any person, firm, company or corporation engaged in furnishing electric light, water or gas, and verify the reading of said meters; the person, firm, company or corporation requiring the attendance of the inspector shall pay therefor a fee of ten cents for each attendance.

Passed September 1, 1903.

Approved September 1, 1903.

Published September 3, 1903.

E. E. MITCHELL,

Mayor.

Attest: F. M. CALDWELL,

City Clerk.

ORDINANCE NO. 298.

AN ORDINANCE Prohibiting Spitting or Expectorating on any Sidewalk, or in any Public Hall or Church or other Public Building, and Depositing Rubbish, Paper, Rags, Dirt, Filth or Slop in or on any Street, Alley or other Public Place.

Be it ordained by the city council of the city of Carbondale, Illinois:

527 SECTION 1. That it shall be unlawful for any person to spit or expectorate upon any sidewalk or in any public hall or church or other public building, and it shall be unlawful for any person to deposit in any street, alley or other public place any rubbish, paper, rags, dirt, filth or slop of any character whatever.

528 SEC. 2. Any person violating the provisions of this ordinance shall be fined not less than one dollar (\$1.00) nor more than ten dollars (\$10.00).

Passed and approved June 7, 1904.

Published June 9, 1904.

E. E. MITCHELL,

Attest: F. M. CALDWELL,

Mayor.

City Clerk.

ORDINANCE NO. 295.

AN ORDINANCE Authorizing a Telephone Exchange.

Be it ordained by the city council of the city of Carbondale, Illinois:

529 SECTION 1. That in consideration of the benefits to be attained and to result to this city and to the residents thereof by and from the introduction and use of a system of telephone, or telephone exchange, as hereinafterward provided, and upon the consideration and terms and subject to the limitations hereinafter ex-

pressed and set forth, there be and is hereby given and granted to the Jackson County Telephone Company, of Elkhville, Illinois, and to its representatives and assigns, the right and privilege of setting up, putting in, and establishing and completing, and, upon completion, to maintain, use and operate for a period of twenty-five years from and after this date within said city a system of telephones, or telephone exchange, for the purpose of maintaining communication by telephone by and among the residents of the city, and also of establishing and maintaining telephone communication between said city and its residents and any other neighboring city, village or town in Southern Illinois with which such communication may be established; and for that purpose there is hereby given and granted it and them the right to put in, set up and, during the period aforesaid, to maintain in the public streets, alleys, ways and other public grounds in and of the city now opened, laid out and used, or which may hereafter be laid out, opened and used, necessary and sufficient posts or poles of wood, and attaching thereto necessary wire to successfully effect, use and operate a telephone system or telephone exchange. All posts or poles upon which wires are so attached must be of the best quality of white cedar, straight, and of uniform dimensions, not less than six inches in diameter at top, and when set must not be less than twenty-five feet above the surface.

530 SEC. 2. All the posts, poles and wires of said system shall be located, placed and put in under the direction of the city council of the city, or its committee on streets and alleys, and not otherwise, and none of the same shall be located, put in or placed as to interfere with necessary travel, trade or business on the streets, alleys, ways, sidewalks or pavements of the city, or to impede, prevent or interfere with the free flowage of water in or through the gutters, ditches, drains or sewers of the city, and such portions of any such streets, alleys, ways, walks, pavements, gutters, drains or sewers as may unavoidably be excavated, dug up or in any way interfered with in putting in said posts, poles or wires, or

other portions of said system, shall, as soon as reasonably practicable, be restored to as good condition as shall be practicable, and all posts, poles, wires and other appurtenances of said system shall be at all times kept and maintained by the said Jackson County Telephone Company, and its representatives and assigns, in reasonably good condition, to the end that no interference with necessary trade, travel or business in, or with necessary and reasonable use of, the streets, alleys, ways, walks, pavements, gutters, ditches, drains or sewers be thereby occasioned.

531 SEC. 3. The said Jackson County Telephone Company, its representatives and assigns, shall establish and maintain under proper and reasonable rules and regulations at some suitable and convenient house, building or place in the city a central office and operator on lines of telephone during all time of its or their enjoyment of the rights and privileges hereby given and granted.

532 SEC. 4. For the purpose of successfully maintaining and operating the said telephone system or exchange the said Jackson County Telephone Company, or its representatives and assigns, may establish and maintain reasonable rates of charges or rental for the use of the instruments to be employed and used as a part of said system and enforce the collection of the same; *provided* such rates of charges shall always be uniform; and shall not, in any event or at any time, exceed the rate or price of one dollar and twenty-five cents per month per instrument.

533 SEC. 5. The rights, privileges and immunities hereby given and granted are not transferable, except upon the following condition, to-wit: the said Jackson County Telephone Company shall first pay into the city treasury of the city of Carbondale, Illinois, the sum of five thousand dollars, lawful money of the United States of America, and any sale, bargain or transfer, or lease of the aforesaid rights, privileges and immunities hereby given and granted without the payment of the said sum of money into the said city treasury aforesaid shall

cause all the said rights, privileges and immunities so given and granted to wholly cease and be determined.

534 SEC. 6. That the said Jackson County Telephone Company, its representatives and assigns, shall be required to furnish two telephone instruments, which shall be free, for the use of the city officers, and shall be placed wherever the city council may designate. All *bona fide* subscribers to this telephone exchange shall have the use of all toll lines owned, operated, connected with or controlled by this telephone company without charge.

535 SEC. 7. In case the provisions of this ordinance are accepted by the said telephone company within ten days after its passage and approval, the said telephone company must file with the clerk of said city an instrument in writing evidencing such acceptance and obligating itself to begin the work of putting in and constructing the said system within thirty days thereafter, and to have same in operation and use in said city within six months from the date of such acceptance, and shall pay all costs of passage and publication of this ordinance.

536 SEC. 8. This ordinance shall be known as ordinance No. 295.

Passed March 3, 1904.

Approved March 12, 1904.

Published March 17, 1904.

E. E. MITCHELL,

Attest: F. M. CALDWELL, Mayor.
City Clerk.

ORDINANCE NO. 296.

AN ORDINANCE Authorizing a Telephone Exchange.

Be it ordained by the city council of the city of Carbondale, Illinois:

537 SECTION 1. That in consideration of the bene-

fits to be attained and to result to this city and to the residents thereof by and from the introduction and use of a system of telephone or telephone exchange, as hereinafter provided, and upon the consideration and terms and subject to the limitations hereinafter expressed and set forth, there be and is hereby given and granted to the Farmers' League and Community Telephone Association, of Carbondale, Illinois, and to its representatives and assigns, the right and privilege of setting up, putting in and establishing and completing, and upon completion, to maintain, use and operate for a period of twenty-five years from and after this date within said city a system of telephones, or telephone exchange, for the purpose of maintaining communication by telephone by and among the residents of the city, and also of establishing and maintaining telephone communication between said city and its residents and any other neighboring city, village or town in Southern Illinois with which such communication may be established; and for that purpose there is hereby given and granted it and them the right to put in, set up and, during the period aforesaid, to maintain in the public streets, alleys, ways and other public grounds in and of the city now opened, laid out and used, or which may hereafter be laid out, opened and used, necessary and sufficient posts or poles of wood, and attaching thereto necessary wire to successfully effect, use and operate a telephone system or telephone exchange. All posts or poles upon which wires are so attached must be of the best quality of white cedar, straight and of uniform dimensions, not less than six inches in diameter at top, and, when set must be not less than twenty-five feet above the surface.

538 SEC. 2. All the posts, poles and wires of said system shall be located, placed and put in under the direction of the city council of the city, or its committee on streets and alleys, and not otherwise, and none of the same shall be located, put in or placed as to interfere with necessary travel, trade or business on the streets, alleys, ways, sidewalks or pavements of the city,

or to impede, prevent or interfere with the free flowage of water in or through the gutters, ditches, drains or sewers of the city, and such portions of any such streets, alleys, ways, walks, pavements, gutters, drains or sewers as may unavoidably be excavated, dug up or in any way interfered with in putting in said posts, poles or wires, or other portions of said system, shall, as soon as reasonably practicable, be restored to as good condition as shall be practicable, and all posts, poles, wires and other appurtenances of said system shall be at all times kept and maintained by the said Farmers' League and Community Telephone Association of Carbondale, Illinois, and its representatives and assigns, in reasonably good condition, to the end that no interference with necessary trade, travel or business in, or with necessary and reasonable use of, the streets, alleys, ways, walks, pavements, gutters, ditches, drains or sewers be thereby occasioned.

539 SEC. 3. The said Farmers' League and Community Telephone Association of Carbondale, Illinois, its representatives and assigns, shall establish and maintain, under proper and reasonable rules and regulations, at some suitable and convenient house, building or place in the city a central office and operator on lines of telephone during all time of its or their enjoyment of the rights and privileges hereby given and granted.

540 SEC. 4. For the purpose of successfully maintaining and operating the said telephone system or exchange the said Farmers' League and Community Telephone Association of Carbondale, Illinois, or its representatives and assigns, may establish and maintain reasonable rates of charges or rentals for the use of the instruments to be employed and used as a part of said system, and enforce the collection of the same, *provided*, such rates of charges shall always be uniform, and shall not in any event, or at any time, exceed the rate or price of one dollar and twenty-five cents per month per instrument.

541 SEC. 5. The rights, privileges and immunities hereby given and granted are not transferable, except upon the following condition, to-wit: The said Farmers' League and Community Telephone Association of Carbondale, Illinois, shall first pay into the city treasury of the city of Carbondale, Illinois, the sum of five thousand dollars, lawful money of the United States of America, and any sale, bargain or transfer or lease of the aforesaid rights, privileges and immunities hereby given and granted without the payment of the said sum of money into the said city treasury aforesaid shall cause all the said rights, privileges and immunities so given and granted to wholly cease and be determined.

542 SEC. 6. That the said Farmers' League and Community Telephone Association of Carbondale, Illinois, its representatives and assigns, shall be required to furnish two telephone instruments, which shall be free, for the use of the city officers, and shall be placed wherever the city council may designate. All *bona fide* subscribers to this telephone exchange shall have the use of all toll lines owned, operated, connected with, or controlled by this telephone company without charge.

543 SEC. 7. In case the provisions of this ordinance are accepted by the said telephone company within ten days after its passage and approval, the said telephone company must file with the clerk of said city an instrument in writing evidencing such acceptance and obligating itself to begin the work of putting in and constructing the said system within thirty days thereafter, and to have same in operation and use in said city within six months from the date of such acceptance, and shall pay all costs of passage and publication of this ordinance.

544 SEC. 8. This ordinance shall be known as Ordinance No. 296.

Passed March 3, 1904.

Approved March 9, 1904.

Published March 17, 1904.

E. E. MITCHELL,

Attest: F. M. CALDWELL,

Mayor.

City Clerk.

ORDINANCE NO. 220.

AN ORDINANCE Regulating the Construction of Privies.

Be it ordained by the city council of the city of Carbondale, Illinois:

545 SECTION 1. That all privies hereafter built shall be so constructed that the outside of the same shall be at least three feet distant from the line of every adjoining lot, unless the owner of the adjoining lot shall otherwise agree, and the same distance from the line of the right of way of any railroad running through any part of the city, and a suitable screen or tight fence, at least four feet high, shall be placed between each privy and the adjoining lot or railway right of way. And all privies heretofore built whose construction does not comply with the requirements of this ordinance shall be changed and made to comply therewith, by the owner, agent or occupant of the premises on which the same is situated within thirty (30) days after receiving notice, in writing, from the street commissioner, to make said change or alteration.

546 SEC. 2. That any owner, agent or occupant of premises upon which a privy is situated in violation of section one (1) of this ordinance, after due notice as provided in said section, shall be subject to a fine of not less than three dollars nor more than fifty dollars.

Passed June 24, 1897.

Approved June 24, 1897.

Published June 26, 1897.

HUGH LAUDER,

Attest: F. M. CALDWELL,

Mayor.

City Clerk

ORDINANCE NO. 247.

AN ORDINANCE Granting a Franchise to Henry C. Curtis, Marion S. Rogers and Stephen D. Underwood to Construct, Maintain and Operate a Railroad Track or Switch.

Be it ordained by the city council of the city of Carbondale, Illinois:

547 SECTION 1. That the right is hereby granted to Henry C. Curtis, Marion S. Rogers and Stephen D. Underwood, their representatives, successors and assigns, to construct, maintain and operate a railroad track or switch within the limits of the city of Carbondale for the period of fifty(50)years from the date of the passage of this ordinance, from a point on the right of way of the Illinois Central railroad to the mill property and its appurtenances situated on lot number 721 and adjacent lots in said city of Carbondale, Illinois.

548 SEC. 2. That said Henry C. Curtis, Marion S. Rogers and Stephen D. Underwood, their representatives, successors and assigns, shall keep open and in good repair all necessary ditches, culverts and drains along and under the tracks within the limits of the said city of Carbondale, Illinois, so that natural drainage of adjacent property shall not be impeded; and they shall construct and keep in good repair good and sufficient crossings over their railroad track the full width of the streets over which said railroad switch passes in making the connection mentioned in section 1 of this ordinance, said switch to be on level of street at point of crossing.

549 SEC. 3. Any street obstructed by any car on said railroad track or switch longer than five minutes at a time shall subject said Henry C. Curtis, Marion S. Rogers and Stephen D. Underwood, or either of them, to a penalty of five dollars for each offense.

550 SEC. 4. This ordinance shall be known as ordinance No. 247.

Passed and approved July 3, 1900.

Published July 14, 1900.

J. M. DILLINGER,

Attest: F. M. CALDWELL,

Mayor.

City Clerk.

ORDINANCE NO. 303.

AN ORDINANCE Providing for the Issue of Bonds of the City of Carbondale in the sum of \$55,000.00 to Refund Outstanding Bonds of said City and Providing for the Collection of a Direct Annual Tax to Pay the Interest and Discharge the Principal thereof.

WHEREAS, The city of Carbondale has an outstanding legal and binding indebtedness in the sum of seven thousand two hundred dollars, evidenced by bonds of the city bearing date of July 1, 1892, numbered 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 33, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70, to become due in twenty years after their said date; and

WHEREAS, Said city has a further legal and binding outstanding indebtedness in the sum of forty-eight thousand dollars, evidenced by bonds of the city bearing date of January 1, 1895, numbered No. 1 to No. 96, to become due in twenty years from their date, all bearing interest at the rate of five per cent per annum, payable semi-annually; and

WHEREAS, In the issuing of all of said bonds the city reserved the option and right to redeem and pay off said bonds at any time after ten years from their said dates; therefore,

Be it ordained by the city council of Carbondale:

551 SECTION 1. That for the purpose of redeeming and paying said bonds and refunding said indebted-

ness, and reducing the interest thereon, there shall be issued a series of bonds of the city in the sum of fifty-five thousand dollars, consisting of fifty-five bonds of the denomination of one thousand dollars, numbered consecutively from No. 1 to No. 55, bearing date of January 1, 1905, to become due twenty years after their date, to bear interest at the rate of four and one-half per cent per annum from their said date until paid, payable semi-annually on July 1 and January 1 of each year, and that both principal and interest shall be payable at the Chase National Bank in the city of New York, State of New York; *provided, however*, that the city of Carbondale reserves the option and right to redeem and pay one of said bonds on the first day of January in each of the years 1906 to 1910 inclusive, and two of said bonds on the first day of January in each of the years 1911 to 1920 inclusive, and three of said bonds on the first day of January of the years 1921 to 1925 inclusive; and *provided, further*, that said bonds shall be so redeemed in their numerical order, commencing with No. 1, and that notice of the intention to so redeem said bonds, or any of them, shall be deposited with the said Chase National Bank at least six months before such intended redemption.

552 SEC. 2. That said bonds shall be executed in the form, and shall contain recitals, substantially as follows, to-wit:

UNITED STATES OF AMERICA

STATE OF ILLINOIS

No.

\$1,000.00

CITY OF CARBONDALE

REFUNDING BOND.

Know all men by these presents:

That the city of Carbondale, in the county of Jackson and State of Illinois, for value received, is indebted to and promises to pay the bearer the sum of

ONE THOUSAND DOLLARS

Lawful money of the United States of America, on the

first day of January, 1925, with interest thereon at the rate of four and one-half per cent per annum, payable semi-annually on July 1 and January 1 of each year upon the presentation and surrender of the interest coupons hereto annexed as they respectively become due, and both principal and interest are payable at the Chase National Bank in the city of New York, in the State of New York.

And the said city of Carbondale is hereby held and firmly bound, and its faith and credit and all the real and personal property in said city are hereby pledged, for the prompt payment of this bond and interest at maturity.

This bond is one of a series of fifty-five bonds of like date and tenor issued by said city of Carbondale in place of, and for the purpose of refunding and extending the time of payment of, a like amount of maturing bonds of said city under and by authority of and in compliance with the provisions of the general laws of Illinois providing for the incorporation and government of cities and villages, and under and by authority of an ordinance passed according to law by the city council of said city on the 3d day of January, 1905.

The city of Carbondale reserves the option to redeem and pay one of said series of bonds on January 1 of each of the years 1906 to 1910 inclusive, and two of said series of January 1 of each of the years 1911 to 1920 inclusive, and three of said series of January 1 of each of the years 1921 to 1925 inclusive; said bonds to be so redeemed in their numerical order, commencing with No. 1; *provided*, that said city shall give notice of its intention to so redeem said bonds, or any part of them, by depositing such notice with the said Chase National Bank at least six months before any such redemption.

And it is hereby certified, recited and declared that all acts, conditions and things required to be done and to exist precedent to and in the issuing of this bond

have been properly done and performed, and do exist in regular and due form as required by the constitution and laws of Illinois, and that the indebtedness which is refunded by this series of bonds is a subsisting, constitutional and legal obligation of said city, and that the indebtedness of said city, including this series of bonds, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, said city of Carbondale, by its city council, has caused this bond to be signed by its mayor and countersigned by its clerk, and has caused its corporate seal to be affixed hereto, and the interest coupons hereto attached to be signed by the lithographed signature of its clerk, and this bond to be dated January 1, 1905.

Countersigned: Mayor.
..... City Clerk.

553 SEC. 3. That the interest coupons to be attached to said bonds shall be substantially in the form following, to-wit:

INTEREST COUPON.

No. \$.....
On the first day of.....190..., the city of Carbondale, Illinois, will pay the bearer, at the Chase National Bank in the city of New York, twenty-two and 50-100 dollars, being six months' interest on its refunding bond dated January 1st, 1905. No.....
..... City Clerk.

554 SEC. 4. That the mayor and clerk be and are hereby authorized, without unnecessary delay, to prepare and execute said bonds and coupons and to deliver them to the holders of the said bonds to be so refunded on the surrender of said bonds and the unmatured coupons thereto attached at the Chase National Bank in the city of New York.

555 SEC. 5. That there is hereby created a special sinking fund for the payment of the interest to accrue on said bonds and for the redemption of the principal thereof within twenty years, to be known as the "refunding bond fund," and to provide said sinking fund there shall be collected annually and paid into the city treasury an amount of taxes sufficient to pay the semi-annual interest to accrue on said bonds as the same shall accrue and the principal thereof within twenty years, as hereinafter provided.

556 SEC. 6. That for the purpose of creating said sinking fund and providing for the payment of the said interest, there shall be and is hereby levied for the year 1905 and for each of the succeeding nineteen years a tax upon all the taxable real and personal property in the city of Carbondale, based upon the advalorem value of said property as shall be shown by the assessment rolls for said years respectively the amounts respectively as follows:

For the year 1905 the sum of.....	\$3,475 00
For the year 1906 the sum of.....	3,430 00
For the year 1907 the sum of.....	3,385 00
For the year 1908 the sum of.....	3,340 00
For the year 1909 the sum of.....	3,295 00
For the year 1910 the sum of.....	4,250 00
For the year 1911 the sum of.....	4,160 00
For the year 1912 the sum of.....	4,070 00
For the year 1913 the sum of.....	3,980 00
For the year 1914 the sum of.....	3,890 00
For the year 1915 the sum of.....	3,800 00
For the year 1916 the sum of.....	3,710 00
For the year 1917 the sum of.....	3,620 00
For the year 1918 the sum of.....	3,530 00
For the year 1919 the sum of.....	3,440 00
For the year 1920 the sum of.....	7,350 00
For the year 1921 the sum of.....	7,080 00
For the year 1922 the sum of.....	6,810 00
For the year 1923 the sum of.....	6,540 00
For the year 1924 the sum of.....	6,270 00

And that the sums so levied shall be collected according to law and credited to said sinking fund, and shall be used and applied to the payment of said interest and the redemption of said bonds, and to no other purpose.

557 SEC. 7. That this ordinance shall take effect and be in force in ten days from and after its passage, approval and publication.

558 SEC. 8. This ordinance shall be known as Ordinance No. 303.

Passed January 3, 1905.

Approved January 3, 1905.

Published January 5, 1905.

E. E. MITCHELL,

Attest: F. M. CALDWELL,

City Clerk.

Mayor.

ORDINANCE NO. 312.

AN ORDINANCE in Relation to the Distribution and Sale of the Revised Ordinances of the City of Carbondale, Illinois.

Be it ordained by the city council of the city of Carbondale, Illinois:

559 SECTION 1. The revised ordinances of the city of Carbondale, published in book form by authority of the city council of said city, as revised to date by City Attorney Thomas B. F. Smith, shall be and the same are hereby ordered to be distributed or sold, as the case may be, in the following manner, to-wit: One complimentary copy shall be given to each of the present city officers and the same shall be by them preserved and delivered to their successors in office, respectively, in the same manner and to the same effect as other property of the city; twelve (12) copies shall be set aside to be available for free distribution and interchange with other neighboring cities; the remaining number of the edition of two hundred and fifty (250)

copies shall be turned over to the city clerk for safe keeping, and the city clerk is hereby given power to sell the same at the rate of one dollar per copy to any person or persons who may wish to purchase the same.

560 SEC. 2. All the money derived from the sale of the Revised Ordinances of the City of Carbondale under the provisions of the preceding section shall be turned into the city treasury, and the city clerk shall report the same to the city council at its first meeting thereafter.

561 SEC. 3. This ordinance shall be in full force from and after its passage and publication.

562 SEC. 4. This ordinance shall be known as Ordinance No. 312.

Passed October 10, 1905.

Approved October 10, 1905.

Published November 2, 1905.

C. E. WHITE,
Mayor.

Attest: F. M. CALDWELL,
City Clerk.

CERTIFICATE.

STATE OF ILLINOIS,)
JACKSON COUNTY,) ss.
City of Carbondale,)

I, the undersigned, F. M. Caldwell, city clerk of the city of Carbondale, Illinois, do hereby certify that the foregoing pages, 181 to 227, of this book are a true, full and correct copy of certain special ordinances of said city (except as to the omissions expressly noted) passed, approved and published at the respective dates noted at the foot of the ordinance, as the same appear of record on the records of said city in my office and of which I am the legal custodian.

Witness my hand and the seal of said city this 2d day of November, A. D. 1905.

[CORPORATE SEAL.]

F. M. CALDWELL,
City Clerk.

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G.E. WHITE



J.M. ANDERSON



E. MITCHELL
MAYOR



HENRY YOUNG



J. METHERTON



H.G. CURTIS



JOHN HAYDEN



F.M. CALDWELL
CITY CLERK



E.D. TRAVELSTEAD



E. SLATEN

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